

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 13, 2023
CITY HALL, 3200 DIANA DRIVE**

The Work Session and Regular Session are open to the public. If Executive Session is required, it will be held in the Council Conference Room, and is closed to the public. Please note that although the Council will generally consider the items on the agenda in the order shown below, they may elect to re-order items in order to accommodate the needs of the Council, city staff, presenters, or the public generally. Therefore, members of the public interested in any agenda item are encouraged to be in attendance at the start of the meeting.

CITY COUNCIL WORK SESSION – 6:30 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**
 1. Section 551.071: Consultation with Attorney
 - a. Auto Repair Businesses
2. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

REGULAR SESSION – 7:00 PM

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

1. PRESENTATIONS

A. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Rawlinson (lrawlinson@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time. Citizens in attendance at the meeting who have signed a card to speak to the City Council will also be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.

2. CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. [Approve minutes from the January 23, 2023 City Council Regular Meeting](#)
- B. [Approve a replat for the properties generally setting southeast of the intersection of Ash Park Drive and Baker Boulevard, Lot 1X and Lots 1-33, Block A, and Lots 1X-2X, and Lots 1-36, Block B, being 7.106 acres of land situated in the Simcoe Popplewell Survey, Abstract Number 1241, Tarrant County, Texas](#)
- C. [Approve award of bid to Native Construction for the Richland Hills Public Library Accessibility Improvements Project as part of the 2022 Community Development Block Grant – Care's Act \(CDBG-CV\) Program](#)

3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

- A. [Consider Ordinance 1466-23, a Specific Use Permit to allow the use "Outside Storage and Display, \(Incidental Use\)" for the property described as Block F Lot 1, Richland Hills Addition, Richland Hills, Texas, otherwise known as 3333 Rufe Snow, Richland Hills, Texas 76118](#) **PUBLIC HEARING**

4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

- A. [Consider Ordinance 1467-23 calling a May 6, 2023 Special Election for the purpose of amending the City Charter](#)
- B. [Consider Resolution 572-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue for construction of improvements in municipal parks](#)

5. CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

- A. None

6. OTHER ITEMS FOR CONSIDERATION

- A. None

7. REPORTS & DISCUSSIONS

- A. None

8. COMMUNITY INTEREST ITEMS

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that “a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed.” The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.) An “item of community interest” includes the following:

- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and
- announcements involving imminent public health and safety threats to the city

9. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

1. Section 551.074: Deliberation regarding Personnel Matters
 - a) City Secretary Annual Review

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

10. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the 8th day of February 2023 by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

Lindsay Rawlinson

Lindsay Rawlinson
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this public meeting and have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance at (817) 616-3810 and reasonable accommodations will be made to assist you.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Rawlinson, City Secretary

Date: February 13, 2023

Subject: Minutes from the January 23, 2023 Regular City Council Meeting

Agenda Item:

Approval of minutes from the January 23, 2023 Regular City Council Meeting

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

January 23, 2023 Draft Minutes

Council Action Requested:

Motion to approve the minutes from the January 23, 2023 Regular City Council Meeting

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
JANUARY 23, 2023
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
Curtis A. Bergthold, Mayor Pro Tem
Douglas Knowlton, Place 1
Travis Malone, Place 2
Javier Alvarez, Place 4
G.W. Estep, Place 5

Council absent

Staff present

Candice Edmondson, City Manager
Lindsay Rawlinson, City Secretary
James Donovan, City Attorney

CITY COUNCIL WORK SESSION – 6:30 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.

None.

2. **Charter Review Committee presentation of proposed amendments to the Richland Hills City Charter**

Charter Review Committee Member Roland Goveas presented the proposed changes to the Charter including substantive, changes to comply with State Law, and grammatical changes. Additionally, he expressed his appreciation to his fellow Committee members, City Manager Candice Edmondson, City Secretary Lindsay Rawlinson, and City Attorney Alicia Kreh for their work in reviewing and preparing the following proposed changes. The following chart was presented to the City Council:

Current Charter Language	Proposed Charter Language
ARTICLE IV. – ENUMERATED POWERS	
Sec. 4.01. – Enumerated powers. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have, and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas of 1925, and any amendments thereof, or any other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter-specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed herein, or when not prescribed herein, then in the manner provided by the laws of Texas relating to cities and towns. The City shall have the power to cooperate with the Federal Government and its agencies and with the State Government and its agencies, and with any political subdivision, or agency thereof.	Sec. 4.01. – Enumerated powers. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have, and may exercise, all powers of local self-government, and all powers enumerated in the Constitution and laws of the State of Texas. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed herein, or when not prescribed herein, then in the manner provided by the laws of Texas relating to cities and towns. The City shall have the power to cooperate with the Federal Government and its agencies, with the State Government and its agencies, and with any political subdivision, or agency thereof.
ARTICLE V. – CITY COUNCIL	
Sec. 5.01. – City Council. The governing body of the City shall consist of a City Council composed of a Mayor and five (5) Councilmembers. The Mayor and Council shall be elected from the City at large.	Sec. 5.01. – City Council. A. The governing body of the City shall consist of a City Council composed of a Mayor and six (6) Councilmembers. B. The Mayor and Councilmembers shall be elected from the City at large. The other members of Council shall be elected to the office at large, but by specific place, which shall be designated as Places One, Two, Three, Four, Five and Six.
Sec. 5.02. - Qualifications. Each of the five Councilmembers and Mayor shall, on the date of the election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas; shall reside and shall have resided for at least one year preceding the election at which he is a candidate, within the corporate limits of Richland Hills; and shall not be in arrears in the payment of any taxes or other liability due the City, or be disqualified by reason of any provision of any other section of this Charter. A person who does not possess each of the above qualifications at the time of his/her filing as a candidate shall not be eligible to be	Sec. 5.02 – Qualifications. Each of the six Councilmembers and Mayor shall, on the date of the election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas; shall reside and shall have resided for at least one year preceding the election for which they are a candidate, within the corporate limits of Richland Hills; and shall not be disqualified by reason of any provision of any other section of this Charter. A person who does not possess each of the above qualifications at the time of his/her filing as a candidate shall not be eligible to be elected to the Council. A member of the Council ceasing to possess any of the qualifications specified in this section or any other section of this

Current Charter Language	Proposed Charter Language
elected to the Council. A member of the Council ceasing to possess any of the qualifications specified in this section, or any other sections of this Charter, or convicted of a felony while in office, shall immediately forfeit his/her office. No Councilmember shall hold any other public office except that of Notary Public, member of the National Guard or any Military Reserve, or a retired member of the Armed Services.	Charter, or convicted of a felony while in office, shall immediately vacate his/her office. No Councilmember shall hold any other public office except that of Notary Public, a member of the National Guard or any Military Reserve, or a retired member of the Armed Services.
Sec. 5.03. - Election. The regular municipal elections of the City of Richland Hills shall be held on the May uniform election day of each year or as otherwise provided by state law and shall be conducted in accordance with state law.	Sec. 5.03. - Election. The regular municipal elections of the City of Richland Hills shall be held on the May uniform election day of each year or as otherwise provided by state law and shall be conducted in accordance with State law. Elections shall be governed in compliance with the Texas Election Code, as amended.
Sec. 5.04. – Hours of Election. The polls shall open at each election from seven o'clock a.m. until seven o'clock p.m.	Delete
Sec. 5.05. – Official Ballot. The official ballot shall be drawn up by the City Secretary and approved by the City Attorney and will contain the names of all qualified candidates for office, except those who may have been withdrawn, deceased or become ineligible. Names will be placed on the ballot without party designation and position on the ballot will be determined by a drawing held by the City Secretary. Filing within time limits shall be as prescribed by State law.	Delete
Sec. 5.06. – Qualified Voters. A registered voter must live within the city limits for thirty (30) days in order to be eligible to vote (according to State Law).	Delete
Sec. 5.07. – Election Judges and Other Election Officials. The election judges, and other election officials for conducting all city elections, shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the election laws of Texas.	Sec. 5.04. – Election Judges and Other Election Officials. The election judges, and other election officials for conducting all City elections, shall be appointed by the City Council or as provided by the Texas Election Code. The election judges shall conduct the elections, determine, record and report the results as provided by the election laws of Texas.
Sec. 5.08. – Judge of Election. The City Council shall be the judge of the election and qualification of its own members and of the Mayor, subject to the courts in the	Sec. 5.05. – Judge of Election. The City Council shall be the judge of the election and qualification of its own members and of the Mayor, subject to the courts in the case of contest.

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case of contest. The City Council shall, as soon as practical after the election, not to exceed fifteen (15) days, after each regular or special election, canvass the returns and declare the results of such election. The Council candidate receiving the greatest number of votes for an office shall be declared elected. If such election results in a Mayoral candidate not receiving a majority of votes cast for that office, it shall be the duty of the Mayor to order a runoff election for that office. Said election to be held not later than thirty (30) days from the date on which the City Council canvassed the returns and declared the result. In the second election, only the two Mayoral candidates receiving the most votes in the first election shall be eligible to run. In the event one of the candidates of the first election withdraws or dies, a second election shall not be held for that office, and the other candidate for such office shall be declared elected, and shall be seated.	The City Council shall, as soon as practical after the election, in compliance with the Texas Election Code, as amended, canvass the returns and declare the results of such election. If such election results in a candidate not receiving a majority of votes cast for that office, the City shall order a runoff election to be held in compliance with the Texas Election Code, as amended. In the event one of the candidates of the first election withdraws or dies, a second election shall not be held for that office, and the other candidate for such office shall be declared elected, and shall be seated.
Sec. 5.09. - Vacancies. In case of a vacancy from any cause in the office of Mayor or Councilmember, the City Council shall order a special election to fill such vacancy, on the next election date, as authorized by the Texas Election Code, provided, however, in the case of only one (1) vacancy occurring nine (9) months or less but more than one hundred eighty (180) days before the expiration of the term of the office vacated, the Mayor, with the approval of a majority of the Council, shall appoint a person to fill such vacancy, and when there remains one hundred eighty (180) days or less until the expiration of the office to be filled, the Mayor, with the approval of a majority of the Council, may appoint a person to fill such vacancy.	Sec. 5.06. - Vacancies. In the event of a vacancy from any cause in the office of Mayor or Councilmember with three-year terms, and an unexpired term greater than 12 months, the City Council shall order a special election called for the purpose of filling the vacancy within one hundred and twenty (120) days after such vacancy or vacancies. However, if a vacancy occurs in the office of Mayor or Councilmember with an unexpired term of 12 months or less, the City Council may call a special election to fill the vacancy or may, by majority vote of the Council present, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution. In the event of a vacancy from any cause in the office of Mayor or Councilmember with two-year terms, the City Council may call a special election to fill the vacancy or may, by majority vote of Council present, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution.
Sec. 5.10. – City Council Meetings. The City Council shall meet a minimum of one (1) time per month and more as needed.	Sec. 5.07. – City Council Meetings. The City Council shall meet a minimum of one (1) time per month and more, as needed.
Sec. 5.11. – Absence of Mayor and Councilmembers. If any member of the City Council is absent from four (4) consecutive regular meetings, said member may be removed from office	Sec. 5.08. – Absence of Mayor and Councilmembers. A. If the Mayor or a Councilmember has four (4) unexcused absences from a regular city council meeting in a term, the Mayor or

Current Charter Language	Proposed Charter Language
under the following procedure. Written charges stating the specific ground or grounds for such removal must be presented to the member whose removal is sought to initiate removal proceedings, and a copy thereof shall be filed with the City Secretary. A public hearing shall thereafter be set not less than ten (10) nor more than thirty (30) days from the date on which the written charges were presented, at which the accused shall have the right to present evidence in his defense, however, such member shall be disqualified from voting upon the removal. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of three (3) Councilmembers (excluding the Mayor), the accused member shall be removed from office and the member's seat forthwith declared vacant. The Council shall have the power to subpoena witnesses and require the production of records in connection with such proceedings.	Councilmember may be removed from office by a vote of majority of the City Council. If removed, the City Council shall declare the office vacant and proceed to fill the office as in the case of other vacancies. B. At each regular meeting from which the Mayor or a Councilmember is absent, the City Council shall determine whether the absence is excused.
Sec. 5.12. – Limitations on Successive Terms. No person shall serve as Mayor or Councilmember, or Mayor and Councilmember, as the case may be, in the same or different numbered places for more than three (3) consecutive terms. A term of office, for the purposes of this section, shall only be for a period of two (2) full years. For the purpose of this limitation, only terms of office beginning in or after May 1996 will be counted.	Sec. 5.09. – Limitations on Successive Terms A. A council member who has served as a council member, regardless of place, for three (3) consecutive terms, shall not again be eligible to become a candidate for or to serve as a council member until the next general election after the third consecutive term has expired. This shall not prevent a council member from becoming a candidate for mayor upon expiration of the third consecutive term as a council member. B. A mayor who has served as mayor for three (3) consecutive terms as mayor shall not again be eligible to become a candidate for or to serve as mayor until the next general election after the third consecutive term has expired. This shall not prevent a mayor from becoming a candidate for council member upon expiration of the third consecutive term as mayor. C. A person may serve no more than eighteen (18) years on the council, in any combination of years spent as mayor or council member. D. The Mayor and members of the City Council shall be elected for terms of three (3) years and shall hold office until their respective successors have been elected and qualified. Two (2) members shall be elected at the regular election held annually on the first Saturday in May, except every third year where the Mayor and two councilmembers

Current Charter Language	Proposed Charter Language
	shall be elected, unless the Council designates an alternative date allowed by State law at least six (6) months prior to the regular election. In order to affect a transition to three (3) year terms upon the adoption of the Charter, elections shall be held as follows: 1. The Mayor and Place 2 and Place 4 shall fulfill their two-year terms and be elected to three (3) year terms upon expiration of the current term in 2024. 2. Place 1 shall be elected to three (3) year terms upon the expiration of the current two-year term in 2025. 3. The current terms of Place 3 and Place 5 shall be extended one (1) year to expire in 2026, at which time Place 3 and Place 5 shall be elected to a three (3) year term. 4. If approved, Place 6 shall be appointed to serve for a two-year term to expire in 2025, at which time Place 6 shall be elected to a three (3) year term.
Sec. 5.13. – Compensation. The City Councilmembers and Mayor each shall be allowed, for incidental expenses, the sum of Ten Dollars (\$10.00) per month and such designated actual expenses supported in writing which shall have been presented to the City Council and received approval.	Sec. 5.10. – Compensation. The City Councilmembers and Mayor each shall be allowed, for incidental expenses, the sum of Ten Dollars (\$10.00) per meeting and such designated actual expenses supported in writing which shall have been presented to the City Council and received approval.
ARTICLE VI. – POWERS AND DUTIES OF OFFICERS	
Sec. 6.02. – Duties of Mayor-Mayor Pro Tem. (a) The Mayor of the City of Richland Hills: (1) Shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed pursuant thereto. (2) May participate in the discussion of all matters coming before the Council and shall be entitled to vote in the case of a tie, but shall have no veto power. (3) Shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter. (4) Shall be the chief executive officer of the City.	Sec. 6.02. – Duties of Mayor-Mayor Pro Tem. (a) The Mayor of the City of Richland Hills: (1) Shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon the Mayor by this Charter and the ordinances and resolutions passed pursuant thereto. (2) May participate in the discussion of all matters coming before the Council and shall be entitled to vote on all matters, but shall have no veto power. (3) Shall sign all contracts and conveyances made or entered into by the City that require Council approval and all bonds issued under the provisions of this Charter. (4) Shall be the chief executive officer of the City.

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(5) Shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and for all ceremonial purposes. (6) May, in time of danger or emergency, in accordance with the Texas Disaster Act of 1975, V.T.C.A., Government Code ch. 418. take command of the police and other departments and govern the City by proclamation and maintain order and enforce all laws. The Mayor's actions may not be continued or renewed for a period in excess of seven days except by or with the consent of the City Council. (b) The Mayor Pro Tem shall be elected from among the members of the five (5) Councilmembers; shall be elected at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.	(5) May, in time of danger or emergency, in accordance with the Texas Disaster Act of 1975, V.T.C.A., Government Code Ch. 418, take command of the police and other departments and govern the City by proclamation and maintain order and enforce all laws. The Mayor's actions may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the City Council. (b) The Mayor Pro Tem shall be elected from among the members of the six (6) Councilmembers; shall be elected at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.
Sec. 6.03. – Powers and Duties of City Council. The powers and duties herein conferred upon the City Council shall include but shall not be limited to the following: (1) To appoint and remove the City Manager, City Attorney, Municipal Judge and relief Municipal Judges, and other such employees required by state law to be appointed by the City Council. (2) To establish other administrative departments and distribute the work of divisions and to abolish or consolidate said departments and divisions. (3) To adopt the budget of the City. (4) To authorize the issuance of: A. Bonds by a bond ordinance; B. Certificates of obligation subject to the notice, petition and election provisions as provided within V.T.C.A., Local Government Code § 271.041, the Certificate of Obligation Act. (5) To inquire into the conduct of any office, department, or agency of the City and make investigation as to municipal affairs. (6) To appoint all commissions, boards, committees, task forces and/or appointed groups to assist the Council in the performance of its duties and responsibilities, such powers subject to the restrictions of the Charter and the laws of the State of Texas. (7) To adopt plats. (8) To adopt and modify the official map of the City.	Sec. 6.03. – Powers and Duties of City Council. The powers and duties herein conferred upon the City Council shall include but shall not be limited to the following: (1) To appoint and remove the City Manager, City Secretary, City Attorney, Municipal Judge and relief Municipal Judges, and other such employees required by State law to be appointed by the City Council. (2) To adopt the budget of the City. (3) To authorize the issuance of: A. Bonds by a bond ordinance; B. Certificates of obligation subject to notice, petition, and election provisions provided within V.T.C.A., Local Government Code § 271.041, the Certificate of Obligation Act. (4) To inquire into the conduct of any office, department, or agency of the City and direct the City Manager to make investigation as to municipal affairs. (5) To appoint commissions, boards, committees, task forces, and/or appointed groups to assist the Council in performance of its duties and responsibilities, such powers subject to the restrictions of the Charter and the laws of the State of Texas. (6) To adopt plats. (7) To adopt and modify the official map of the City. (8) To provide for the establishment and designations of fire limits and to

Current Charter Language	Proposed Charter Language
(9) To regulate, license, and fix the charges or fares made by any person owning, obtaining or controlling any vehicle of any character used for carrying of passengers for hire on the public streets and alleys of the City. (10) To provide for the establishment and designations of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings calculated to increase the fire hazard, and the manner of their removal or destruction. (11) To fix the salaries and compensation for the non-elective City officers and employees. (12) To provide for sanitary sewer and water system. (13) May regulate burial grounds, cemeteries, and crematories and condemn and close any such burial grounds, cemeteries, and crematories in the thickly settled portions of the City when public interest or public health may demand, and may regulate interment of the deceased.	prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, calculated to increase the fire hazard, and the manner of their removal or destruction. (9) To fix the salaries and compensation for the appointed City officers. (10) To provide for sanitary sewer and water system. (11) All other powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the City, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority to exercise those powers that are expressly conferred upon other City officers by this Charter.
Sec. 6.04. – Appointment or Removal by City Council. Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilmember violating the provisions of this Section shall be guilty of a Class C misdemeanor and fined not in excess of \$200.00, and, if so convicted, shall cease to be a Councilmember. Whether convicted of a Class C misdemeanor or not, a Councilmember, found to be guilty of violating the provisions of this Section, by a three-fourths (¾) vote of the remainder of the Council shall cease to be a Councilmember.	Sec. 6.04. – Appointment or Removal by City Council. Neither the Council nor any of its members shall direct or request the appointment of any person to, or their removal from, office by the City Manager or by any of their subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilmember violating the provisions of this Section shall be guilty of a Class C misdemeanor and fined not in excess of \$200.00, and, if so convicted, shall cease to be a Councilmember.

Current Charter Language	Proposed Charter Language
ARTICLE VII. - ADMINISTRATION	
Sec. 7.01. – City Manager. (a) <i>Appointments and qualifications.</i> The Council shall appoint a City Manager who shall be the chief administrative officer of the City, and shall be responsible to the Council for the administration of all the affairs of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, education, experience, ability, and character, and need not, when appointed, be a resident of the City. No member of the City Council shall, during the time for which he is elected and for two (2) years thereafter, be appointed City Manager. (b) <i>Term and salary.</i> The City Manager shall be appointed by the affirmative vote of four (4) members of the City Council, and may be removed at the will and pleasure of the Council by the affirmative vote of four (4) members of the Council. The action of the Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. In case of absence or disability to the City Manager, the Council may designate some qualified person other than an elected officer of the City to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council. (c) <i>Powers and duties of the City Manager.</i> The powers herein conferred upon the City Manager shall include but shall not be limited to the following: (1) Appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or this Charter. (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter. (3) See that all State laws and City ordinances are effectively enforced. (4) Prepare and submit the annual budget and a five (5) year capital improvement program to the Council as prescribed in Article XII of the Charter. (5) Submit to the Council monthly a report thereof on the finances and administrative	Sec. 7.01. – City Manager. (a) <i>Appointments and qualifications.</i> The Council shall appoint a City Manager who shall be the chief administrative officer of the City, and shall be responsible to the Council for the administration of all the affairs of the City. The City Manager shall be chosen by the Council solely on the basis of their executive and administrative training, education, experience, ability, and character, and need not, when appointed, be a resident of the City. No member of the City Council shall, during the time for which they are elected and for two (2) years thereafter, be appointed City Manager. (b) <i>Term and salary.</i> The City Manager shall be appointed by the affirmative vote of five (5) members of the City Council, and may be removed at the will and pleasure of the Council by the affirmative vote of five (5) members of the Council. The action of the Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. In case of absence or disability to the City Manager, the Council may designate some qualified person, other than an elected officer of the City, to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council. (c) <i>Powers and duties of the City Manager.</i> The powers herein conferred upon the City Manager shall include but shall not be limited to the following: (1) Appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or this Charter. (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter. (3) See that all State laws and City ordinances are effectively enforced. (4) Prepare and submit the annual budget and a five (5) year capital improvement program to the Council as prescribed in Article XII of the Charter. (5) Submit to the Council monthly a report thereof on the finances and administrative activities of the City and a complete report at the end of each fiscal year. (6) Attend all meetings of the Council, except when excused by the Council. (7) Provide for an employee grievance system as approved by the Council.

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activities of the City and a complete report at the end of each fiscal year. (6) Provide each department head with a financial report of his department monthly. (7) Attend all meetings of the Council except when excused by the Council. (8) Provide for employee grievance system as approved by the Council. (9) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with provisions of this Charter.	(8) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with provisions of this Charter.
Sec. 7.02. – Appointment and Removal of City Secretary. The Mayor shall appoint the City Secretary and such Assistant City Secretaries as deemed advisable with approval of a majority of the Council. The Mayor may remove such employees with approval of four-fifths ($\frac{4}{5}$) of the Council. The City Secretary, or an Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his/her signature and record in full, in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to him/her and those elsewhere provided for in this Charter, and shall keep and affix the City seal to all official documents.	Sec. 7.02. – Appointment and Removal of City Secretary. The City Council shall appoint the City Secretary with approval of a majority of the Council. The Mayor may remove such employees with approval of a majority of the Council. The City Secretary shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his/her signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to him/her and those elsewhere provided for in this Charter, and shall keep and affix the City seal to all official documents.
Sec. 7.03. - Appointment and Removal of City Attorney. The City Attorney shall be appointed by a majority vote of the City Council. The City Council may remove the City Attorney at any time upon the affirmative vote of four-fifths ($\frac{4}{5}$) of all its members. The City Attorney shall be a competent attorney, duly licensed and admitted to the practice of law by the State of Texas. The City Attorney shall be legal advisor of and attorney for all officers of the City and shall represent the City in all litigation and legal proceedings. He shall approve the legality of every ordinance before it is acted upon by the Council.	Sec. 7.03. - Appointment and Removal of City Attorney. (a) The City Attorney shall be appointed by a majority vote of the City Council. The City Council may remove the City Attorney at any time upon the affirmative vote of a majority of all its members. (b) The City Attorney shall: 1. Serve as the legal advisor to the Council and City Manager; 2. Represent the City in litigation and legal proceedings as directed by the Council and City Manager; 3. Review and provide opinions as requested by Council or the City Manager on contracts, legal instruments, and ordinances of the City; and 4. Perform other duties prescribed by this Charter, by ordinance, or as directed by the Council or City Manager. (c) The Council may contract with an attorney or

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	with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as City Attorney. (d) Compensation shall be fixed by contract with the approval of Council or by appointment subject to the approval of Council. (e) Council shall have the right to retain separate counsel at any time that it may deem necessary and appropriate.
ARTICLE VII(A). – MUNICIPAL COURT	
Sec. 7(A).01. – Municipal Court of Record. There shall be a court known as the Richland Hills Municipal Court of Record, with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas for municipal courts of record. The City Council shall be empowered to create by ordinance additional municipal courts of record if it finds that such additional courts are necessary to dispose properly of the cases arising in the city. (1) <i>Judge of the Municipal Court of Record.</i> The Municipal Court of Record shall be presided over by a Magistrate who shall be known as the Municipal Judge. The Municipal Judge shall be a competent and duly licensed attorney in good standing who practices law in Tarrant County, Texas. The Municipal Judge may not serve as such while holding any other office or employment with the City of Richland Hills, Texas. The Municipal Judge shall be appointed by the City Council for a two-year term. (2) <i>Vacancies: Temporary replacement; removal.</i> A. If a vacancy occurs in the office of Municipal Judge of the Richland Hills Municipal Court of Record, the City Council shall appoint a qualified person to fill the office for the remainder of the unexpired term. B. The City Council may appoint persons as relief Municipal Judges. A relief judge must meet the qualifications prescribed for the Municipal Judge. The Municipal Judge may assign a relief judge to act for the Municipal Judge if he is temporarily unable to act for any reason. A relief judge has all the powers and duties of the office while so acting. C. The Municipal Judge may be removed after written notice and an opportunity to be heard before the Council. (3) <i>Clerk of the Municipal Court of Record.</i> There shall be a Clerk of the Municipal Court of Record who shall be	Sec. 7(A).01. – Municipal Court of Record. There shall be a court known as the Richland Hills Municipal Court of Record, with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas for municipal courts of record. The City Council shall be empowered to create by ordinance additional municipal courts of record if it finds that such additional courts are necessary to dispose properly of the cases arising in the City. (1) <i>Judge of the Municipal Court of Record.</i> The Municipal Court of Record shall be presided over by a Magistrate who shall be known as the Municipal Judge. The Municipal Judge shall be a competent and duly licensed attorney in good standing who practices law in Tarrant County, Texas. The Municipal Judge may not serve as such while holding any other office or employment with the City of Richland Hills, Texas. The Municipal Judge shall be appointed by the City Council for a two-year term. (2) <i>Vacancies: Temporary replacement; removal.</i> A. If a vacancy occurs in the office of Municipal Judge of the Richland Hills Municipal Court of Record, the City Council shall appoint a qualified person to fill the office for the remainder of the unexpired term. B. The City Council may appoint persons as Associate Judges. An Associate Judge must meet the qualifications prescribed for the Municipal Judge. The Municipal Judge may assign a relief judge to act for the Municipal Judge if they are temporarily unable to act for any reason. An Associate Judge has all the powers and duties of the office while so acting. C. The Municipal Judge may be removed after written notice and an opportunity to be heard before the Council. (3) <i>Clerk of the Municipal Court of Record.</i> There shall be a Clerk of the Municipal Court of Record who shall be appointed by the City Manager, and who shall be known as the municipal clerk. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the

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appointed by a majority vote of the City Council, and who shall be known as the municipal clerk. The municipal clerk may be removed upon a four-fifths ($\frac{4}{5}$) vote of the City Council. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of the Richland Hills Municipal Court of Record and conducting business thereof. The municipal clerk shall also perform such duties as are specified to be performed by the municipal clerk under the general laws of the State of Texas governing municipal courts or, more specifically, municipal courts of record. The municipal clerk shall perform any other duties as specified by the City Manager or City Council. With the consent of the City Council, the clerk may appoint one or more deputy clerks to act for the clerk. The City Council shall provide the courts with other municipal court personnel that the City Council determines necessary for the proper operation of the court. Those persons shall perform their duties under the direction and control of the clerk or the Municipal Judge to whom assigned. (4) <i>Procedure in the Municipal Court of Record.</i> All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail, and taking of bonds shall be governed by the Code of Criminal Procedure and the general laws of the State of Texas applicable to municipal courts or, more specifically, to municipal courts of record. State Law reference— Municipal court of record, V.T.C.A., Government Code § 30.481 et seq.	court thereto, and otherwise perform any and all acts necessary in issuing process of the Richland Hills Municipal Court of Record and conducting business thereof. The municipal clerk shall also perform such duties as are specified to be performed by the municipal clerk under the general laws of the State of Texas governing municipal courts or, more specifically, municipal courts of record. The municipal clerk shall perform any other duties as specified by the City Manager. With the consent of the City Manager, the clerk may appoint one or more deputy clerks to act for the clerk. The City Manager shall provide the courts with other municipal court personnel that the City Manager determines necessary for the proper operation of the court. Those persons shall perform their duties under the direction and control of the clerk or the Municipal Judge to whom assigned. (4) <i>Procedure in the Municipal Court of Record.</i> All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail, and taking of bonds shall be governed by the Code of Criminal Procedure and the general laws of the State of Texas applicable to municipal courts or, more specifically, to municipal courts of record. State Law reference— Municipal court of record, V.T.C.A., Government Code § 30.481, et seq.
ARTICLE VIII. – PUBLIC UTILITIES	
Sec. 8.01. – City Ownership and Operation Thereof. (a) <i>General.</i> The City shall have power to build, construct, purchase, own, lease, maintain, and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal equipment and appliances, natural gas systems, park and swimming pools, fertilizer plants, and any other public service or utility; power to mortgage and encumber such	Sec. 8.01. – City Ownership and Operation Thereof. (a) <i>General.</i> The City shall have power to build, construct, purchase, own, lease, maintain, and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal equipment and appliances, natural gas systems, park and swimming pools, fertilizer plants, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided in Article Chapter 552 of the Texas Local Government Code, as amended, and

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system or systems in the manner provided in Article 1111 to 1118, inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, and any other laws of the State of Texas applicable thereto; and all the powers which the City might exercise in connection with such public utilities and public services under Article 1175 of the 1925 Revised Civil Statutes of Texas, and any amendment thereto, now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary to efficiently carry out said objects. (b) <i>Power to contract for public utilities.</i> The City is authorized to enter into contracts or leases with individuals, corporations, partnerships, or other municipal corporations, for furnishing in whole or in part any public utility or portions of public utility systems that might be needed by the City or the citizens of the City. The consideration for such contracts or leases may in the discretion of the City Council be paid by the City or prorated to the individual users of the utility covered by such contract or lease; or to permit individuals, corporations, partnerships or other municipal corporations to furnish in whole or in part any public utility or portion of any public utility direct to the citizens of the City on such terms as the City may direct. (c) <i>Right to purchase commodities or services essential to the city or its citizens.</i> The City shall have the power to purchase electricity, gas, oil, or any other article, commodity or service essential to a proper conduct of all the affairs of the City, and of its inhabitants on such terms as the City Council may deem proper, for sale and distribution to the inhabitants of the City or adjacent territory. State Law reference— Power to franchise, Vernon's Ann. Civ. St. art. 1175.	any other laws of the State of Texas applicable thereto; and all the powers which the City might exercise in connection with such public utilities and public services under Chapter 552 of the Texas Local Government Code, and any amendment thereto, now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary to efficiently carry out said objects. State Law reference— Power to franchise, Texas Local Government Code, Chapter 51.
Sec. 8.02. – Regulation of Public Utilities. (a) The City Council shall have the power by ordinance, after notice to the utility and hearing before the Council, to fix and regulate charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise in the City, or engaged in	Sec. 8.02. – Regulation of Public Utilities. (a) The City Council shall have the power by ordinance, after notice to the utility and hearing before the Council, to fix and regulate charges, fares, or rates of compensation to be charged by any person, firm, or corporation enjoying a franchise in the City, or engaged in furnishing a public utility

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furnishing a public utility service in the City, including cable television and shall in determining, finding and regulating such charges, fares or rates of compensation, base the same upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such City or the inhabitants thereof. The City Council may prescribe the character, quality and efficiency of service to be rendered, and shall have the power to regulate and require the extension of adequate lines or service of such public utility within such City by such person, firm or corporation, taking into consideration the cost to the utility, and from time to time may alter or change such rules, regulations, and compensation, provided that, in adopting such regulations and in fixing or changing such compensation, or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and Constitution of this State applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate of regulation, the City Council shall have full power to inspect the books of any such utility serving the inhabitants of the City and compel production of records and the attendance of witnesses for such purpose. (b) Any company, corporation or person engaged in furnishing to the inhabitants of the City any light, power, gas, telephone, transit, cable television, or other public utility services, may be required at any time by ordinance or resolution of the City Council to file with the City Council written reports pertaining to operations and business within the City, and such report shall contain such data, facts and information as may be required by such ordinance or resolution, under the same standards and rules of the State Public Utility Commission and other rules not inconsistent therewith. In addition to the foregoing powers the City shall have all the powers and privileges provided for by Article 1175 of the Revised Civil Statutes of Texas in regulating public utilities.	service in the City, including cable television and shall in determining, finding, and regulating such charges, fares, or rates of compensation, base the same upon the fair value of the property of such person, firm, or corporation devoted to furnishing service to such City or the inhabitants thereof. The City Council may prescribe the character, quality, and efficiency of service to be rendered, and shall have the power to regulate and require the extension of adequate lines or service of such public utility within such City by such person, firm, or corporation, taking into consideration the cost to the utility, and from time to time may alter or change such rules, regulations, and compensation, provided that, in adopting such regulations and in fixing or changing such compensation, or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and Constitution of this State applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate of regulation, the City Council shall have full power to inspect the books of any such utility serving the inhabitants of the City and compel production of records and the attendance of witnesses for such purpose. (b) Any company, corporation, or person engaged in furnishing to the inhabitants of the City any light, power, gas, telephone, transit, cable television, or other public utility services, may be required at any time by ordinance or resolution of the City Council to file with the City Council written reports pertaining to operations and business within the City, and such report shall contain such data, facts, and information as may be required by such ordinance or resolution, under the same standards and rules of the State Public Utility Commission and other rules not inconsistent therewith. In addition to the foregoing powers, the City shall have all the powers and privileges provided for by Chapter 51 of the Texas Local Government Code, as amended, in regulating public utilities. State Law reference— Authority to regulate electric utilities, V.T.C.A., Utilities Code § 33.001, <i>et seq.</i>

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State Law reference — Authority to regulate electric utilities, V.T.C.A., Utilities Code § 33.001 et seq.	
ARTICLE IX. – CONTRACTS	
Sec. 9.02. – Personal Services. No contract shall ever be made which binds the City for personal services, except for professional or City Manager services to be rendered for any stated period of time, but all appointive employees shall be subject to discharge after a hearing, and when discharged shall only be entitled to compensation up to and, including the date of their discharge, any provision to the contrary in this Charter notwithstanding. Contracts for professional or City Manager services shall be of a term of no longer than five (5) years, and shall contain express language providing for termination without compensation beyond the date of occurrence of any of the following: conviction of a felony or other crime involving moral turpitude; violations of the provisions of the Charter or of any ordinance, rule, or of special orders applicable to such person.	Delete
Sec. 9.03. – Goods, Materials, Services or Supplies. (a) The City Council may, by ordinance, give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance. (b) All contracts for expenditures or purchases involving more than the set limits must be expressly approved in advance by the City Council. (c) All contracts or purchases involving more than the limits set by Council shall be awarded by the City Council in accordance with state law. State Law reference— Purchases and contracts, V.T.C.A., Local Government Code § 252.001 et seq.	Sec. 9.02. – Goods, Materials, Services or Supplies. (a) The City Council may, by ordinance, give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance. (b) All contracts for expenditures or purchases involving more than the set limits must be expressly approved in advance by the City Council. (c) All contracts or purchases involving more than the limits set by Council shall be awarded by the City Council in accordance with state law. State Law reference— Purchases and contracts, V.T.C.A., Local Government Code § 252.001, et seq.
Sec. 9.04. – Franchises and Special Privileges. (a) The right to control, easement, use and ownership and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all	Sec. 9.03. – Franchises and Special Privileges. (a) The right to control, easement, use, and ownership and title to the streets, highways, public thoroughfares, and property of the City, its avenues, parks, bridges, and all other public places and property, are hereby declared to be inalienable

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other public places and property, are hereby declared to be inalienable except by ordinance duly passed by four-fifths (4/5) affirmative votes of the entire City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by the City Council for a longer period than twenty-five (25) years unless submitted to the vote of the legally qualified voters of the City in the manner provided for in Articles 1181 and 1182 of the Revised Civil Statutes of Texas, the expense of such election to be borne by the applicant. (b) The City Council may, of its own motion, submit all of such applications, to an election at which the people shall vote upon the proposition therein submitted, the expense of such election in all cases to be borne by the applicant. (c) No franchise shall ever be granted until it has been approved by four-fifths (4/5) of the entire City Council, after having its essential terms summarized at two (2) regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provides for adequate compensation or consideration therefor to be paid to the City. (d) Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rate and to maintain the property devoted to the public service in good repair throughout the term of grant of said franchise. (e) No franchise grant shall ever be exclusive. (f) The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a State or Federal law or agency.	except by ordinance duly passed by five-sevenths (5/7) affirmative votes of the entire City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under, or over the same, by any private corporation, association, or individual shall be granted by the City Council for a longer period than twenty-five (25) years, unless submitted to the vote of the legally qualified voters of the City in the manner provided for in Section 282.003 of the Texas Local Government Code in conjunction with Chapter 311, Subchapter D of the Texas Transportation Code, the expense of such election to be borne by the applicant. (b) The City Council may, of its own motion, submit all of such applications, to an election at which the people shall vote upon the proposition therein submitted, the expense of such election in all cases to be borne by the applicant. (c) No franchise shall ever be granted until it has been approved by majority of the City Council, nor shall any such franchise, grant, or privilege ever be made unless it provides for adequate compensation or consideration therefor to be paid to the City. (d) Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rate and to maintain the property devoted to the public service in good repair throughout the term of grant of said franchise. (e) No franchise grant shall ever be exclusive. (f) The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a State or Federal law or agency.
ARTICLE X. – OWNERSHIP OF REAL OR PERSONAL PROPERTY	
Sec. 10.01. – Acquisition of Property. (a) The City shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation, or otherwise, any character or property, within or without its	Sec. 10.01. – Acquisition of Property. (a) The City shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation, or otherwise, any character or property, within or without its municipal boundaries, including any charitable or trust funds.

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municipal boundaries, including any charitable or trust funds. (b) Specifically, but without limitation of the foregoing, the City shall have full power and authority to acquire through the exercise of eminent domain, or by purchase, or otherwise, and maintain and operate, any part or all of any water works system, sewerage system, or other public utility used in serving citizens of the City. Such power and authority shall include that specified in Vernon's Ann. Civ. St. art. 1175, Subdivisions 11, 13, 15, and any other Subdivisions thereof, as now existing or as hereafter amended, and any common law or other statutory law applicable thereto, and such power and authority shall not be limited by any such specific statutory provisions. Such power and authority shall include the right to acquire by eminent domain or purchase from any person, firm, or corporation any part or all of the physical properties, easements, franchises, and other tangible and intangible properties and rights which may be in use as an operating utility business. Such power and authority shall include the right to acquire by eminent domain or purchase an undivided interest in any easements or facilities which may be in use to serve any other community and shall also include the right to acquire by eminent domain or purchase any properties located outside of the corporate boundaries of the City if needed by the City in operation of such utility system.	(b) Specifically, but without limitation of the foregoing, the City shall have full power and authority to acquire through the exercise of eminent domain, or by purchase, or otherwise, and maintain and operate, any part or all of any water works system, sewerage system, or other public utility used in serving citizens of the City. Such power and authority shall include that specified in Chapter 51 of the Texas Local Government Code as now existing or as hereafter amended, and any common law or other statutory law applicable thereto, and such power and authority shall not be limited by any such specific statutory provisions. Such power and authority shall include the right to acquire by eminent domain or purchase from any person, firm, or corporation any part or all of the physical properties, easements, franchises, and other tangible and intangible properties and rights that may be in use as an operating utility business. Such power and authority shall include the right to acquire by eminent domain or purchase an undivided interest in any easements or facilities that may be in use to serve any other community and shall also include the right to acquire by eminent domain or purchase any properties located outside of the corporate boundaries of the City if needed by the City in operation of such utility system.
ARTICLE XI. – STREETS AND ALLEYS	
Sec. 11.01. – Street Powers. The City shall have exclusive control of all alleys, streets, gutters, and sidewalks situated within the City, and the power to lay out, establish, open, alter, extend, widen, straighten, abandon and close, lower, grade, narrow, care for, supervise, maintain and improve any public street, alley, avenue, or boulevard, and for any such purposes to acquire the necessary lands and to appropriate the same under the power of eminent domain. The City shall also have the power to name or rename, vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard or other public thoroughfare or public grounds, and to convey in fee the same in exchange for other lands, over which any street, alley, avenue or boulevard may be laid out, established and opened; and the City's	Sec. 11.01. – Street Powers. The City shall have exclusive control of all alleys, streets, gutters, and sidewalks situated within the City, and the power to lay out, establish, open, alter, extend, widen, straighten, abandon, close, lower, grade, narrow, care for, supervise, maintain, and improve any public street, alley, avenue, boulevard, or public thoroughfare and for any such purposes to acquire the necessary lands and to appropriate the same under the power of eminent domain. The City shall also have the power to name or rename, vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard, or other public thoroughfare or public grounds, and to convey in fee the same in exchange for other lands, over which any street, alley, avenue, boulevard, or public thoroughfare may be laid out, established, and opened; and the City's right to sell and dispose of in fee any part of a street, alley, avenue, boulevard or public thoroughfare so vacated and

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right to sell and dispose of in fee any part of a street, alley, avenue or boulevard so vacated and abandoned, or the City's right to convey same in exchange for other lands to be used in laying out, opening, widening and straightening any street, shall never be questioned in any of the Courts of this State. The procedure for closing streets and alleys shall be in conformity with due process of law and shall be particularly prescribed and provided for by ordinance passed in the usual manner by the City Council.	abandoned, or the City's right to convey same in exchange for other lands to be used in laying out, opening, widening, and straightening any street, shall never be questioned in any of the Courts of this State. The procedure for closing streets and alleys shall be in conformity with due process of law and shall be particularly prescribed and provided for by ordinance passed in the usual manner by the City Council.
ARTICLE XII. – FINANCE: BUDGET	
Sec. 12.01. – Preparation and Submission. In January, the City Council will hold a Public Forum for the express purpose of obtaining citizen comments on items they would like to see included or considered in the budget for the upcoming year. At least 60, but not more than 90, days prior to the beginning of the budget year, October 1, the City Manager will submit his proposed city budget for the ensuing year to the City Council. From its date of submission, the proposed budget shall be a public record.	Sec. 12.01. – Preparation and Submission. The City Manager, or their designee, shall submit a proposed City budget for the ensuing fiscal year to the City Council in compliance with the timelines outlined in Chapter 102 of the Texas Local Government Code, as amended. From its date of submission, the proposed budget shall be a public record.
Sec. 12.02. – Hearing. The City Council will hold a Town Hall Meeting on the Budget a minimum of 15 days prior to the State mandated Public Hearing on the budget to allow for consideration of any changes. The City Council shall hold a public hearing on the proposed budget at least 14 days before the beginning of the budget year. At least 10 days notice of such public hearing will be given by notice in the official newspaper.	Sec. 12.02. – Hearing. The City Council shall hold a public hearing on the budget as required by Chapter 102 of the Texas Local Government Code, as amended.
Sec. 12.03. – Adoption. After hearing, the City Council may make such changes as it deems proper in the proposed budget and adopt a final budget prior to the beginning of the budget year. All budget hearings and action on the budget shall be open to the public. If a final budget is not adopted by the beginning of the budget year, the proposed budget of the City Manager shall be deemed to have been approved.	Sec. 12.03. – Adoption. After hearing, the City Council may make such changes as it deems proper in the proposed budget and adopt a final budget prior to the beginning of the budget year. All budget hearings and action on the budget shall be open to the public.
Sec. 12.04. - Effective Date. The budget shall go into effect on the first day of the budget year. Expenditures in an amount in excess of the budgeted total shall not be made. The budget may be amended	Sec. 12.04. - Effective Date. The budget shall go into effect on the first day of the budget year. Budget amendments must comply with Chapter 102 of the Texas Local Government Code.

Current Charter Language	Proposed Charter Language
during the year only after complying with the notice procedure called for above for adoption of the budget.	
Sec. 12.05. – Capital Improvement Plan. The City Manager shall include in his original budget message a general five year plan for capital improvement expenditures. Such plan, upon approval by the Council, shall serve as a guide for capital improvements of the City	Sec. 12.05. – Capital Improvement Plan. The City Manager shall include with the proposed budget a five (5) year capital improvement plan. Such plan, upon approval by the Council, shall serve as a guide for capital improvements of the City.
ARTICLE XIV. – PLANNING AND BUILDING REGULATIONS	
Sec. 14.01. – The Planning and Zoning Commission. There shall be established a Planning and Zoning Commission which shall consist of five (5) citizens from the City of Richland Hills who own real property within said City. The members of said Commission shall be appointed by the City Council for a term of two (2) years. Three (3) members of the Planning and Zoning Commission shall be so appointed each odd-numbered year and two (2) members shall be so appointed each even-numbered year. The Commission shall elect a Chairman from its membership and shall meet not less than once each month. Vacancies and unexpired terms shall be filled by the Council for the remainder of the term. A majority of all the members shall constitute a quorum. Members of the Commission may be removed by Council after a public hearing and for cause set forth in writing. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.	14.01 Authority, composition and procedures The City Council shall create, establish, or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by Council, such boards, commissions, and committees as it deems necessary to carry out the functions and obligations of the City. Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability, and tenure of each board, commission, and committee where such are not prescribed by law or this Charter.
Sec. 14.02. – Planning and Zoning Commission Powers and Duties. The Planning and Zoning Commission shall: — (1) Recommend a City plan for the physical development of the City; — (2) Recommend to the City Council approval or disapproval of proposed changes in the Zoning Plan; and — (3) Recommend to the City Council approval or disapproval of proposed platting or subdividing land within the corporate limits of the City to the extent authorized by law. The Commission shall be responsible to and act as an advisory body to the Council and shall have and perform such additional duties as may be prescribed by ordinance.	Delete

Current Charter Language	Proposed Charter Language
Sec. 14.03. – Master Plan. The Master Plan for the City shall contain the Planning and Zoning Commission's recommendations for the growth, development and beautification of the City. Amendments thereto will be approved by the said Commission. The Master Plan shall serve as a general guide for the development of the City.	Sec. 14.02. – Master Plan. The Master Plan for the City shall contain the Planning and Zoning Commission's recommendations for the growth, development and beautification of the City. Amendments thereto will be approved by the said Commission. The Master Plan shall serve as a general guide for the development of the City.
Sec. 14.04. – Legal Effect of the Master Plan. Upon the adoption of a Master Plan by the City Council, no subdivision, street, park or any public way, ground or space, public building or structure, or public utility whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City Council until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and upon such overruling, the Council shall have the power to proceed. The widening, narrowing, relocating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, if real property, shall be subject to similar submission and approval by the Planning and Zoning Commission, and failure to approve may be similarly overruled by the City Council.	Sec. 14.03. – Legal Effect of the Master Plan. Upon the adoption of a Master Plan by the City Council, no subdivision, street, park or any public way, ground or space, public building or structure, or public utility whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City Council until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and upon such overruling, the Council shall have the power to proceed. The widening, narrowing, relocating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, if real property, shall be subject to similar submission and approval by the Planning and Zoning Commission, and failure to approve may be similarly overruled by the City Council.
Sec. 14.05. – General Building Regulations. The City may regulate the erection, building, placing, moving or repairing of buildings or other structures, within such limits of the City as it may designate and prescribe, in order to guard against the calamities of fire, flood, or windstorm and may within said limits prohibit the moving or putting up of any building or other structure without said limits, and may also prohibit the removal of any building or other structure from one place to another within said limits, and may direct that all buildings or other structures within the limit so designated as aforesaid shall be made or constructed of fire-resistant materials, and may declare any dilapidated building or structure to be a nuisance and direct the same to be repaired, removed or abated in such manner as they shall direct; to declare all buildings and other structures in the fire	Delete

Current Charter Language	Proposed Charter Language
limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.	
Sec. 14.06. — Building Lines. The City shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its governing body, under the public power, to provide by suitable ordinance building lines on any street or streets, or any block of any street or streets, and to require their observance by suitable penalties.	Delete
ARTICLE XV. – RECALL OF OFFICERS	
Sec. 15.02. – Petition for Recall. Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of the number of votes cast at the last regular municipal election of the City, but in no event, less than 250 such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, shall give voter registration number, shall print his name, and shall write after his name his place of residence, giving name of street and number, and shall also write thereon the day, the month and year his signature was affixed and give any other information required by law, including V.T.C.A., Election Code ch. 277, as same may hereafter be amended.	Sec. 15.02. – Petition for Recall. Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of the number of votes cast at the last regular municipal election of the City, but in no event, less than 300 such petitioners. Petitions must comply with Texas Election Code, Chapter 277, as amended.
ARTICLE XVI. INITIATIVE AND REFERENDUM	
Sec. 16.02. – [Procedure] (a) <i>Initiative.</i> Initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance. Qualified voters of the City of Richland Hills may initiate legislation, (except levying taxes, setting rates for services, adoption of a budget, or any subject where State Law requires a public hearing) by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal	Sec. 16.02. – [Procedure] (a) <i>Initiative.</i> Initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance. Qualified voters of the City of Richland Hills may initiate legislation (except levying taxes, setting rates for services, adoption of a budget or capital improvement program, any ordinance related to zoning, issuance of bonds or notes, borrowing of money, salaries or duties of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, any instance where a court of proper jurisdiction determines that the initiated ordinance has been

Current Charter Language	Proposed Charter Language
in number to 25% of the number of votes cast at the last regular municipal election of the City, or 250, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed in this Charter, and shall be verified by oath in the manner and form provided for recall petitions in this Charter. The petition may consist of one or more copies as permitted for recall petitions in this Charter. Such petitions shall be filed with the persons performing the duties of City Secretary, who, within five (5) days, shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation to it of the petition, and draft of the proposed ordinance or resolution, it shall become the duty of the City Council, within the ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition or to call a special election as soon as possible, subject to the Texas Election Code, which the qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. (b) <i>Referendum</i>. Registered, qualified voters of the City of Richland Hills may require that any ordinance or resolution passed by the City Council be submitted to the voters of the City for approval or disapproval, (except levying taxes, setting rates for services, adoption of a budget, or any subject where State Law requires a public hearing) by submitting a petition for this purpose within forty-five (45) days after final passage of said resolution or within thirty (30) days after publication of such ordinance. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in Sections 15.02 and 15.03, Article XV of this Charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of City Secretary. Within five (5) days upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council	removed from the field of initiative, or any subject where State law requires a public hearing) by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to 25% of the number of votes cast at the last regular municipal election of the City, or 300, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed in this Charter, and shall be verified by oath in the manner and form provided for recall petitions in this Charter. The petition may consist of one or more copies as permitted for recall petitions in this Charter. Such petitions shall be filed with the persons performing the duties of City Secretary, who, within five (5) days, shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation of the petition and draft of the proposed ordinance or resolution to Council, it shall become the duty of the City Council, within the ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election as soon as possible, subject to the Texas Election Code, which the qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. (b) <i>Referendum</i>. Registered, qualified voters of the City of Richland Hills may require that any ordinance or resolution passed by the City Council be submitted to the voters of the City for approval or disapproval, (except levying taxes, setting rates for services, adoption of a budget or capital improvement program, any ordinance related to zoning, issuance of bonds or notes, borrowing of money, salaries or duties of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, any instance where a court of proper jurisdiction determines that the initiated ordinances has been removed from the field of initiative, or any subject where State law requires a public hearing) by submitting a petition for this purpose within forty-five (45) days after final passage of said resolution or within thirty (30) days after publication of such ordinance. Said petition must be signed by qualified voters of the City equal in number to 25% of the number of votes cast at the

Current Charter Language	Proposed Charter Language
shall, within ten (10) days, reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at a special election as soon as possible, subject to the Texas Election Code, at which time the registered, qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed question. However, if any other municipal election is to be held within sixty (60) days of the filing of the petition, the question may be voted on at such election. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the registered, qualified voters voting thereon at such election shall vote in favor thereof. (c) Any qualified voter of the City may seek judicial relief in the district court of Tarrant County in the event the Council fails to act on an initiative or referendum petition meeting the requirements of this Article.	last regular municipal election of the City, or 300, whichever is greater. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in Sections 15.02 and 15.03, Article XV of this Charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of City Secretary. Within five (5) days upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall, within ten (10) days, reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at a special election as soon as possible, subject to the Texas Election Code, at which time the registered, qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed question. However, if any other municipal election is to be held within sixty (60) days of the filing of the petition, the question may be voted on at such election. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the registered, qualified voters voting thereon at such election shall vote in favor thereof. (c) Any qualified voter of the City may seek judicial relief in the District Court of Tarrant County in the event the Council fails to act on an initiative or referendum petition meeting the requirements of this Article.
ARTICLE XVII. – GENERAL PROVISIONS	
Sec. 17.03. – Official Oath. All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas. Oath of office shall be administered by the Mayor, Mayor Pro Tem, or any other person authorized by law to administer oaths. State Law reference— Oath, Tex. Const. art. XVI, § 1	Sec. 17.03. – Official Oath. All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas. Oath of office shall be administered by any person authorized by law to administer oaths. State Law reference— Oath, Tex. Const. art. XVI, § 1
Sec. 17.05. - Public Records. All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that such police records, vital statistics records, or any other records which are closed to the public by law shall not be considered public records for the purpose of this section. State Law reference— Public records law, V.T.C.A., Government Code § 552.001 et seq.	Sec. 17.05. - Public Records. The City shall comply with State law with regard to releasing records to the public. State Law reference— Public records law, V.T.C.A., Government Code § 552.001, et seq.

Current Charter Language	Proposed Charter Language
Sec. 17.12. – Nepotism. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, or member of the Council or the City Manager shall be appointed to any paid office, position, clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least one year prior to the time of the election of the Mayor or Councilmember, or the appointment of the City Manager.	Sec. 17.12. – Nepotism. No person related within the second degree by affinity, or the third degree by consanguinity, to a member of the Council or the City Manager shall be appointed to any paid office or board, commission, or committee of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for at least six months prior to the election of the Council member or 30 days prior to the appointment of the City Manager so related to the employee.
Sec. 17.13. – Ethics. (a) No elected or appointed officer or employee of the City shall benefit unduly by reason of his/her holding public office. (b) No officer or employee having a direct or indirect interest in any proposed or existing contract, purchase, work, sale or service to or by the City shall vote or render a decision, or use his/her position, authority or influence in a manner that would result in his/her financial betterment to any degree. Further, any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. This provision is cumulative to all other applicable laws in regard to elected officers. (c) Failure to comply with any provisions of the foregoing Sections <u>17.13(a)</u> or <u>17.13(b)</u> shall constitute malfeasance in office and any officer or employee failing to so comply shall immediately be suspended with pay, pending an outcome of an investigation of the charges. Within five (5) days of said suspension the officer or employee shall receive written notice detailing the specific charges brought against him. A Public Hearing will be held within fifteen (15) days after the written notice to determine whether the charges are well founded and whether said officer or employee shall be reinstated or shall be terminated and the position declared vacant. (d) Any violation of the foregoing Sections <u>17.13(a)</u> or <u>17.13(b)</u> with the knowledge, express or implied, or persons or corporations contracting with the City shall render the contract voidable by the Council.	Sec. 17.13. – Ethics. (a) No elected or appointed officer or employee of the City shall benefit unduly by reason of his/her holding public office. (b) No officer or employee of the City shall have a substantial interest in the sale of any land, materials, supplies or service to the City. Any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. “Substantial interest” as used in this section shall have the same meaning as given in the Texas Local Government Code, as amended. (c) Failure to comply with any provisions of the foregoing Sections <u>17.13(a)</u> or <u>17.13(b)</u> shall constitute malfeasance in office and any officer failing to so comply shall immediately be suspended pending an outcome of an investigation of the charges. Within five (5) days of said suspension the officer shall receive written notice detailing the specific charges brought against him. A Public Hearing will be held within fifteen (15) days after the written notice to determine whether the charges are well founded and whether said officer shall be reinstated or shall be terminated and the position declared vacant. (d) Any violation of the foregoing Sections <u>17.13(a)</u> or <u>17.13(b)</u> with the knowledge, express or implied, or persons or corporations contracting with the City shall render the contract voidable by the Council.
Sec. 17.14. – Political and Religious Discrimination. No person in the service of the City or seeking admission thereto shall be employed, promoted, demoted, discharged or in any way	Sec. 17.14. – Political and Religious Discrimination. No person in the service of the City, or seeking admission thereto, shall be employed, promoted, demoted, discharged, or in any way favored or

Current Charter Language	Proposed Charter Language
favored or discriminated against because of political opinions or affiliations or because of race or religious beliefs, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.	discriminated against because of political opinions or affiliations or because of race, color, religious beliefs, sex, or national origin, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.
Sec. 17.15. – Political Activity. (a) No appointed or hired employee on the payroll of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he/she be solicited for this purpose; nor shall he/she take active part in any political campaign relating to an election to a City office. (b) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his/her appointment or promotion or any examination conducted therefor. (c) Any person who either by himself/herself, or with others, willfully violates any provision of the foregoing Sections <u>17.15(a)</u> or <u>17.15(b)</u> shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he/she is an officer or employee of the City at the time of such violation he/she shall immediately forfeit the office or position he/she holds.	Sec. 17.15. – Political Activity. (a) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with his/her appointment or promotion or any examination conducted therefor. (b) Any person who either by himself/herself, or with others, willfully violates any provision of the foregoing Section <u>17.15(a)</u> shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he/she is an officer or employee of the City at the time of such violation, he/she shall immediately forfeit the office or position he/she holds.
Sec. 17.16 – Building Permits	Delete
	Delete
	Delete and renumber remaining sections in Article 17.

The City Council expressed their appreciation to the Charter Review Committee and stated that they did a wonderful job both in preparing the proposed changes and presenting the information.

3. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

None.

Mayor Lopez adjourned the work session at 6:50 p.m.

REGULAR SESSION – Mayor Lopez Called to Order – Time 7:00 p.m.**INVOCATION AND PLEDGES OF ALLEGIANCE – Mayor Lopez****PRESENTATIONS****1A. Business Spotlight: Tasco Auto Color**

Assistant to the City Manager Logan Thatcher introduced Danny Moore who provided a brief overview of his business, Tasco Auto Color, located at 7072 Boulevard 26 and advised that they plan to open on March 14, 2023.

1B. World Read Aloud Day Proclamation

Mayor Lopez read a proclamation declaring February 1, 2023, as “World Read Aloud Day” in Richland Hills and encouraged everyone to participate. He presented the proclamation to Library Director Chantele Hancock.

Ms. Hancock advised that Birdville Independent School District (BISD) is welcoming guest readers on February 1, 2023 to read to students.

1C. Citizen Appearances/Public Comments

David White, 7008 Hovenkamp, Richland Hills, inquired about building materials used in the construction of a retaining wall near his home in 2017.

CONSENT AGENDA**2A. Approved minutes from the January 10, 2023 City Council Regular Meeting.**

Motion: Motion was made by Councilmember Malone and seconded by Councilmember Knowlton to approve the consent agenda.

Motion carried by a vote of 5-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**3A. Fiscal Year 2024 Budget Public Forum**

City Manager Candace Edmondson advised that, per Section 12.01 of the City Charter, “the City Council shall hold a Public Forum in January for the express purpose of obtaining citizen comments on items they would like to see included or considered in the budget for the upcoming year.”

Mayor Lopez opened the public forum at 7:13 p.m.

Athena Campbell, 2802 Elm Park, Richland Hills, expressed appreciation for City staff and mentioned community discussion regarding installing speed bumps along certain

residential streets. She provided information from the Police Department regarding car crashes in 2022 and felt speed bumps were unnecessary.

Joyce Fiaccone, 3800 Labadie, Richland Hills, presented a list of suggestions from citizens including the installation of speed bumps, reduced speeds near city parks, and increased residential lighting.

Roland Goveas, 7048 Bridges Avenue, Richland Hills, inquired about a program the City used to fund for curb and gutter improvements.

Theresa Bledsoe, 2716 Spruce Park Drive, Richland Hills, inquired about the use of street cleaners.

Jenny Clark, 6973 Hardisty, Richland Hills, expressed concern regarding speeding along residential streets and the need for greater residential lighting.

David White, 7008 Hovenkamp, Richland Hills, expressed concern regarding speeding along residential streets and burned-out streetlights. He proposed the City Council hold a Bond Election for street improvements.

Stacey Morse, 3616 Scranton Drive, Richland Hills, expressed that speed bumps were necessary near school zones.

Jason Butts, 2712 Willow Park, Richland Hills, discussed accident report information found online from 2020 and thinks speed bumps would be money well spent.

Mayor Lopez closed the public forum at 7:34 p.m.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4. None.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5A. Approved renewal of unit price contract with EXCEL 4 Construction, LLC for drainage, water and sanitary sewer repair

Director of Neighborhood Services Scott Mitchell presented the item to the City Council and advised that on January 10, 2022, the City Council approved a unit price contract with EXCEL 4 Construction, LLC for drainage, water, and sanitary sewer repairs. The unit price contract has helped the City expedite work such as localized water main installation and repairs, valve repair, curb stops, sewer line spot repairs, manholes, etc. especially on extensive repairs or when staffing has been limited. Additionally, the unit price contract also standardizes the costs for these projects versus quoting each individual project as it comes up.

Mr. Mitchell advised that the submitted price sheet for FY23 represented an overall average price increase of 5.9 percent and staff was pleased that the increase was minimal.

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Estep to approve renewal of unit price contract with EXCEL 4 Construction, LLC for drainage, water and sanitary sewer repair.

Motion carried by a vote of 5-0.

5B. Approved award of bid for the installation of auxiliary power at city water facilities to Angiel Electrical Construction Corporation in an amount not to exceed \$1,435,000

Director of Neighborhood Services Scott Mitchell presented the item to the City Council and advised that on February 14, 2021, Texas experienced an unprecedented winter storm that resulted in the loss of the power grid for up to five days in some areas. In response to the event, the Texas Legislature passed Senate Bill 3 mandating all water systems have contingency plans in place to maintain sufficient water supplies. For many water systems, this included the addition of auxiliary power to support water production.

The City of Richland Hills received \$1,970,642 in fiscal recovery funds as provided in the American Rescue Plan Act (ARPA) of 2021. On January 24, 2022, City Council approved Resolution 549-22 allocating ARPA funds towards water system improvements needed to comply with Senate Bill 3.

Angiel Electrical Construction submitted a bid of \$1,432,969.75 for the water infrastructure auxiliary power (generator) project that will be paid from ARPA funds.

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Malone to award bid for the installation of auxiliary power at city water facilities to Angiel Electrical Construction Corporation in an amount not to exceed \$1,435,000.

Motion carried by a vote of 5-0.

OTHER ITEMS FOR CONSIDERATION

6A. Consider approval of proposed amendments to the Richland Hills City Charter.

Item was discussed during the work session.

Joyce Fiaccone, 3800 Labadie, Richland Hills, presented a list of proposed changes she would like to see including consideration that Council, Place 6 would not be an at-large position but one with geographic boundaries and stated her opinion that any vacancies on the Council should be elected and not appointed.

Discussion ensued regarding potentially adding a filing fee to run for City Council, the number of signatures required for a referendum, and term limits.

Charter Review Committee Member Athena Campbell explained the committee's thought process behind changing the length of service for members of City Council from 12 years total to 18 years total. The Committee wanted to recommend changes that they thought the electorate would approve.

Charter Review Committee Member Roland Goveas stated that there was much discussion regarding term limits and 18 years was a compromise among the committee members.

Further discussion ensued regarding Council's ability to appoint someone to a Council seat in the event of a vacancy as well as if the proposed Place 6 position is approved.

Council discussed and agreed with the Committee's recommendations and proposed amendments including language clarification, allowing the City Council the ability to appoint members in the event of a vacancy, increased total years of service to 18 years on the City Council, and keeping the currently required number of signatures for initiatives and referendums at a minimum of 250 petitioners.

Motion: Motion was made by Councilmember Malone and seconded by Mayor Pro Tem Bergthold to approve proposed amendments to the Richland Hills City Charter as discussed.

Motion carried by a vote of 5-0.

REPORTS & DISCUSSIONS

7A. Storm Drain System Overview

Director of Neighborhood Services Scott Mitchell introduced City Engineer David Burkett who provided an overview of the storm drain system. Mr. Burkett provided information regarding the three major drainage basins including Big Fossil Creek Tributary BFC-5, West Fork Tributary 9 WF-9, and Calloway Branch. He advised of flood risk, past studies, completed projects, proposed projects, and maintenance to the drainage ways.

Billy McGee, 7032 Hovenkamp, Richland Hills, advised that his home has flooded twice and would like to see the culvert near his property completed.

David White, 7008 Hovenkamp, Richland Hills, expressed frustration that he has complained about the culvert behind his house flooding for several years and stated that a bond election would provide revenue for repairs.

7B. Street Improvement Projects

Director of Neighborhood Services Scott Mitchell provided a brief update regarding street improvements including discussing the scope of work for the Dover Lane project from

Scruggs Drive to Vance Road and Magnolia Park, Phase 2. Additionally, he advised that Reliable Paving is currently working on 18 different locations for various utility repairs, pavement failures, and one traffic control project.

David White, 7008 Hovenkamp, Richland Hills, expressed his concern regarding culverts and drainage.

7C. 1st Quarter Investment Report

Finance Director Patricia Albrecht provided a brief overview of the 1st Quarter Investment Report and advised that the City is in a favorable financial position.

7D. December Department Reports

Finance Director Patricia Albrecht presented the Finance Department update including the status of the General Fund, Special Revenue Funds, Capital Projects Funds and Debt Service Funds.

Director of Parks and Recreation Jason Brown presented the Parks Department update and advised that the December 2, 2022 Christmas Tree Lighting Event was a great success with an estimated 2,000 people in attendance. He advised of the success of Community Partnership Angel Tree with 53 angels adopted through the local I Can Still Shine program. Additionally, he advised of program and project updates.

Police Chief Kimberly Sylvester presented the Police Department update and advised of community participation at the Christmas Tree Lighting event, newly sworn-in officers, training attended by staff, and three families “adopted” at Christmastime by the department.

COMMUNITY INTEREST ITEMS

City Manager Candice Edmondson announced the retirement of Director of Neighborhood Services Scott Mitchell effective January 31, 2023. She advised that he served the City of Richland Hills for nine years but has served several cities in different capacities for a total of 50 years of service. The City will hold a retirement reception for him on Thursday, January 26, 2023.

8. Mayor Pro Tem Bergthold advised of several upcoming events:

- Extended through January 31, 2023, The Link Membership Sale;
- Friday, January 27, 2023, Arts n Crafts Night, 6:30 p.m.;
- Tuesday, January 31, 2023, Library Lab Science Night, 6:30 p.m.
- Thursday, February 9, 2023,
 - o Senior Lunch Bunch and Bingo, The Link, 12:00 to 2:00 p.m.;
 - o Tarrant County Food Pantry, The Link parking lot, 5:30 to 7:00 p.m.;
- Tuesday, February 14, 2023, Richland Hills Literary Society, 6:30 p.m.;
- Thursday, February 23, 2023, Adult Spelling Bee, El Chico, 6:30 to 8:30 p.m.
- Every Thursday, Coffee Talk, Richland Hills Public Library, 10:00 to 11:30 a.m.;

- Beginning in February, Evening Storytime is moving to The Link, The Bird's Nest inside The Link, 5:30 to 6:00 p.m. on the first, third, and fifth Thursday of the month.

EXECUTIVE SESSION

9. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act).
1. Section 551.074: Deliberation regarding Personnel Matters
- a) City Secretary Annual Review

Motion: Motion was made by Councilmember Estep and seconded by Mayor Pro Tem Berghold to adjourn into Executive Session at 10:06 p.m.

Motion carried by a vote of 5-0.

Mayor Lopez reconvened into open session at 11:16 p.m. with no action taken.

ADJOURNMENT

10. A motion was made by Councilmember Knowlton and seconded by Councilmember Estep to adjourn.

Motion carried by a vote of 5-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 11:16 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Edward Lopez, Mayor

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Logan Thatcher, Assistant to the City Manager

Date: February 13, 2023

Subject: Baker Landing Replat

Agenda Item:

Consider a replat for the properties generally setting southeast of the intersection of Ash Park Drive and Baker Boulevard, Lot 1X and Lots 1-33, Block A, and Lots 1X-2X, and Lots 1-36, Block B, being 7.106 acres of land situated in the Simcoe Popplewell Survey, Abstract Number 1241, Tarrant County, Texas

Background Information:

The City Council approved a final plat for the Baker Landing townhome development on July 25, 2022. Baker Landing has submitted a replat to add an easement and a setback change. No other modifications have been made to the approved plat.

Financial Considerations:

Approval of the replat will not require additional funding.

Legal Review:

N/A

Board/Citizen Input:

The Planning and Zoning Commission considered the replat at their January 24, 2023 meeting and recommended approval 5-0.

Attachments:

Proposed Replat

Council Action Requested:

Motion to approve a replat for the properties generally setting southeast of the intersection of Ash Park Drive and Baker Boulevard, Lot 1X and Lots 1-33, Block A, and Lots 1X-2X, and Lots 1-36, Block B, being 7.106 acres of land situated in the Simcoe Popplewell Survey, Abstract Number 1241, Tarrant County, Texas

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Jason Brown, Director of Parks and Recreation

Date: February 13, 2023

Subject: Bid Award for CDBG-CV Grant - Library Accessibility Improvements

Agenda Item:

Approve award of bid to Native Construction for the Richland Hills Public Library Accessibility Improvements Project as part of the 2022 Community Development Block Grant – Care’s Act (CDBG-CV) Program

Background Information:

In Spring 2022, Tarrant County opened their third round of requests for proposals for Community Development Block Grant – Care’s Act (CDBG-CV) funds. Eligible projects included public facilities or infrastructure projects that serve low-to-moderate-income residents and prepare, prevent, or respond to the Coronavirus.

The City of Richland Hills submitted a proposal to improve the restrooms and increase ADA accessibility at the Library. Specifically, the project proposed to transform the existing men’s and women’s restrooms into family-style facilities with one toilet instead of two for full accessibility to the sink, toilet and changing station. Improvements also included the addition of touchless faucets, soap dispensers and paper towel holders. The proposal also recommended replacement of the exterior ADA ramp for a seamless, fully accessible route to the Library front doors. On May 6, 2022, the City of Richland Hills received notification that the proposal had been approved with full CDBG-CV funding for the total project cost of \$280,000.

Tarrant County issued project specifications for the bid and handled the submission process. The project was originally advertised on January 11, 2023. Two bids were submitted; however one bid was incomplete and Tarrant County did not open the other bid because the County could not award the contract based on a single bid. The project was again advertised on January 25, 2023. Again, only one bid was received but the County determined that due diligence had been performed in the solicitation process and passed the bid onto MELARCH, the project architect, for review and acceptance. Based on their review, MELARCH recommends that the contract for the Richland Hills Public Library Accessibility Improvements Project be awarded to Native Construction.

Financial Considerations:

Native Construction submitted a bid in the amount of \$114,927 which is under the \$280,000 CDBG-CV grant funding that had been awarded for the project.

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Letter of Recommendation from MELARCH

Council Action Requested:

Motion to approve award of bid to Native Construction for the Richland Hills Public Library Accessibility Improvements Project as part of the 2022 Community Development Block Grant – Care's Act (CDBG-CV) Program in the amount of \$114,927

MEL/ARCH

the architectural studio

January 27, 2023

Ms. Candice Edmondson, City Manager
3200 Diana Drive
Richland Hills, Texas 76118

Re: Richland Hills Public Library Accessibility Improvements
Tarrant County Community Development Project: B-20-UW-40001-52-30

Dear Ms. Edmondson,

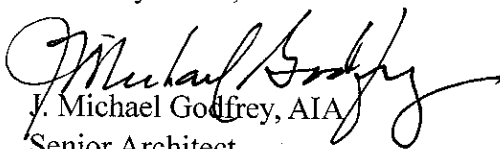
On January 25, 2023 bids were received for the renovation of the Richland Hills Library to remodel the restrooms and exterior ramp to comply with current Americans with Disabilities Act (ADA), PL 101-336.

The project was originally advertised for bids which were received on January 11, 2023. Two bids were submitted, however one was incomplete and the other was not opened because the County could not award the contract based on a single bid. The project was again advertised for bids which were received on January 25, 2023. Again, only one bid was received but the County determined that due diligence had been performed and referred the bid documents to me for review and to forward the Architect's recommendation of award of the contract.

MELARCH has reviewed the documents submitted by Native Consolidated Management, doing business as **Native Construction** 1221 W. Campbell Rd., Set #203, Richardson, TX 75080, an 8a certified company and found them to be a responsive and responsible bid. We have also reviewed the Contractor's qualifications and those of the proposed sub-contractor's to complete the work. (See the listing attached). The bid amount is **\$114,927.00** which is under our estimate and also under the project budget amount.

Therefore, MELARCH recommends that the contract for the Richland Hills Public Library Accessibility Improvements, Project #B-20-UW-40001-52-30 be awarded to **Native Construction** in the amount of **\$114,927.00.**

Sincerely Yours,



J. Michael Godfrey, AIA
Senior Architect

MELARCH Architectural Studio

Cc: Jason Brown, Richland Hills, Brad Hearne & Megan Morris Tarrant County

MEL/ARCH

the architectural studio

SUBCONTRACTOR LISTING

<u>Contractor</u>	<u>Portion of work</u>	<u>Price</u>
Ventura Construction Inc. (MBE)	Finishes	\$14,820
Prism Electric	Electrical	\$17,220
Golden Construction (WBE)	Handrails	\$12,600
New Generation Mechanical	Mechanical	\$12,969
Texas Concrete	Concrete	\$11,165
JMP Tile Company	Tile	\$ 8,572

Sub-contractor Minority Participation 24%

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Logan Thatcher, Assistant to the City Manager

Date: February 13, 2023

Subject: 3333 Rufe Snow Drive SUP Request

Agenda Item:

Consider Ordinance 1466-23, a Specific Use Permit to allow the use “Outside Storage and Display, (Incidental Use)” for the property described as Block F Lot 1, Richland Hills Addition, Richland Hills, Texas, otherwise known as 3333 Rufe Snow, Richland Hills, Texas 76118 **PUBLIC HEARING**

Background Information:

The property at 3333 Rufe Snow Drive is a 18,475 square foot lot. The building area is 5,000 square feet. The lot is currently zoned Mixed Use. The applicant for this case is Mr. and Mrs. Luker. The applicant is seeking a Specific Use Permit (SUP) to permit the use “Outside Storage and Display, (Incidental Use)”. A SUP is required for outside storage and display in the Mixed Use zone.

The property has areas that could be used for outside storage which is appealing to potential tenants. However, tenants have not been permitted to use the outdoor space for storage since the use is not permitted. The applicant is requesting the Outside Storage SUP to make the location more attractive and marketable to future businesses. They have a pest control group that has been in the certificate of occupancy process, but they would not be permitted to park fleet and store other items outside the building without a SUP. Fleet that stays outside overnight is considered outside storage. Attached are property photos showing the fencing that is currently on the lot.

Staff will provide a presentation at the City Council meeting.

Financial Considerations:

Approval of the Specific Use Permit will not require additional funding from the city

Legal Review:

N/A

Board/Citizen Input:

The Planning and Zoning Commission considered the SUP request at their January 24, 2023 meeting and recommended approval 4-1 with the stipulation that outside storage only be used for fleet.

Attachments:

Specific Use Permit Application
Location Map
Property Photos
Site Plan
Ordinance 1466-23

Suggested Motion:

Motion to approve Ordinance 1466-23, a Specific Use Permit to allow the use "Outside Storage and Display, (Incidental Use)" for the property described as Block F Lot 1, Richland Hills Addition, Richland Hills, Texas, otherwise known as 3333 Rufe Snow, Richland Hills, Texas 76118



City of Richland Hills Zoning Application

Application Type

- ☒ Specific Use Permit
- ☐ Planned Development
- ☐ Zoning Text Amendment
- ☐ Zoning Map Amendment

Applicant Information

Applicant's Name: Penny Luker
Business Name: _____
Phone: 817-788-8400 Email: Penny@MidCitiesAC.com

Property Information

Property Address: 3333 Rufe Snow Square Feet: 5000
Building Owner: Penny Luker Deed Date: 8/27/2010
Company: _____ Phone: 817-788-8400
Owner Address: 8636 Stonecrest Trl N Richland Hills TX 76182
Owner's Phone #: 817-788-8400 Owner's Email: Penny@MidCitiesAC.com
Previous Occupant: _____
Current Zoning: Mixed Use

Zoning Request

Please describe the nature of your request

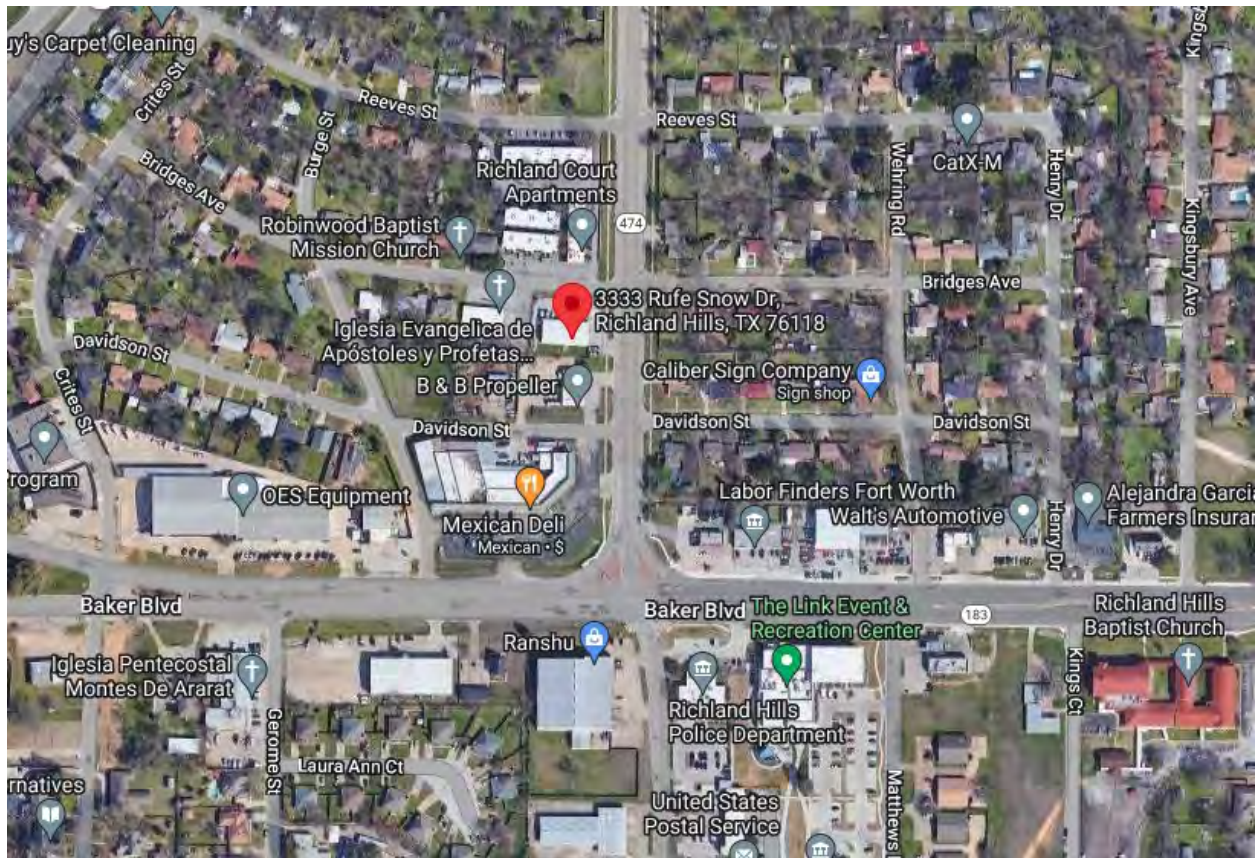
Outside storage of business vehicles
with intent to screen from public
view

Signature

I certify that my answers are true and complete to the best of my knowledge and I understand that false or misleading information in my application may result in zoning violations.

Signature: _____

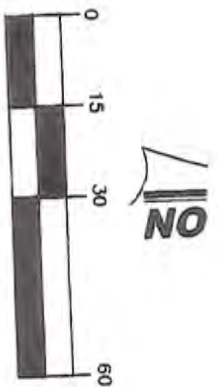
Date: 11/16/22



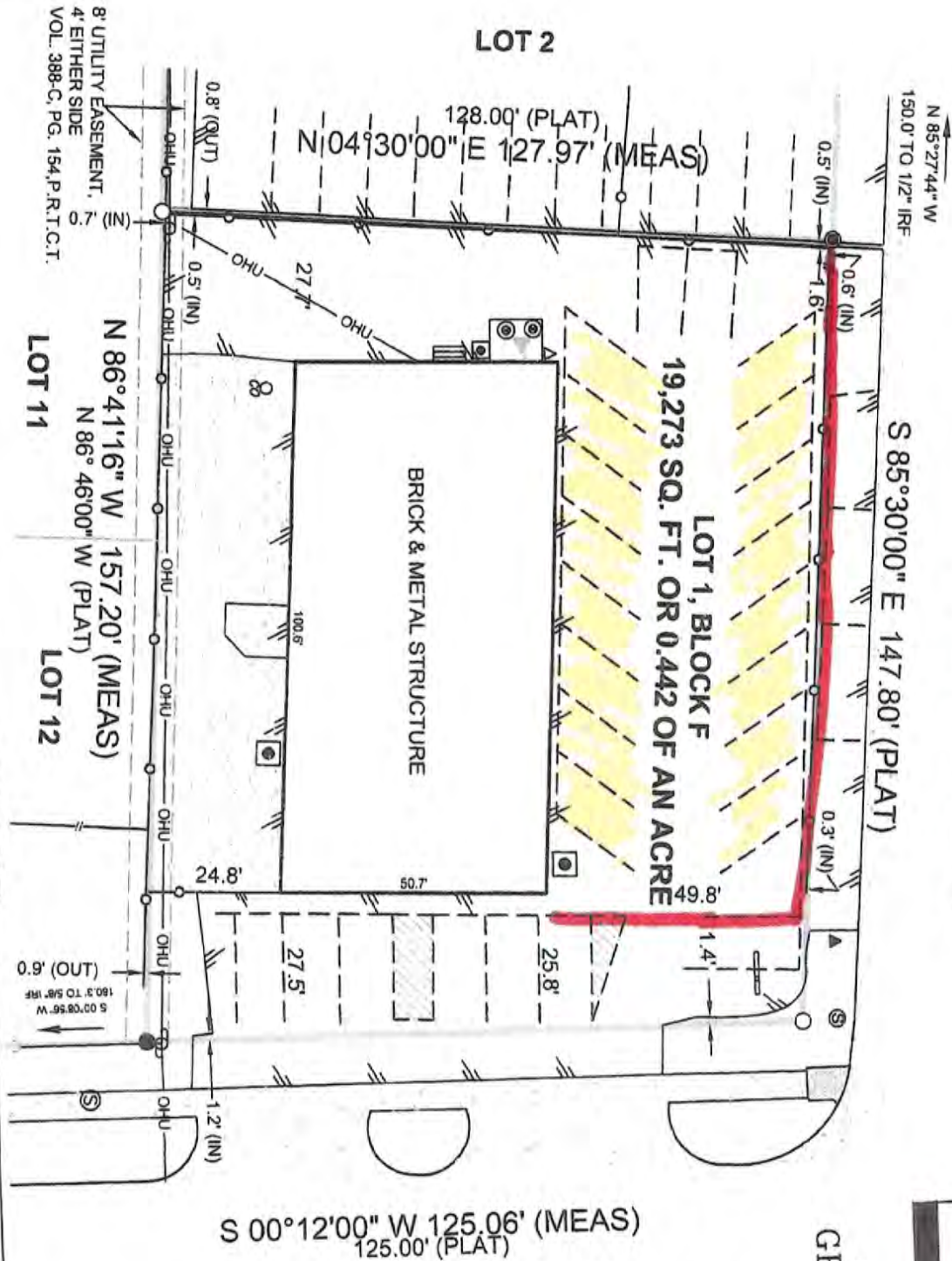


BRIDGES STREET

(50' RIGHT-OF-WAY)



GRAPHIC SCALE



RUFE SNOW DRIVE

(PUBLIC RIGHT-OF-WAY)

Yellow parking
Red screening

LEGEND

- | | | | | |
|-----------------|-----------------------|----------------|-------------------------------|-----------------|
| ● 1/2" IR FOUND | ○ X-FOUND | ○ UTILITY POLE | — OHU — OVERHEAD UTILITY LINE | — WOOD FENCE |
| ○ 1/2" IR SET | ○ RIR SPIKE FOUND | ○ WATER METER | — GUY WIRE ANCHOR | — ASPHALT |
| ⊠ TELE. BOX | ○ SAN, SEW. CO. | ○ GAS METER | — IRON FENCE | — BUILDING LINE |
| ⊠ CABLE BOX | ○ GAS PIPELINE MARKER | ○ A.C. PAD | — CHAINLINK FENCE | — EASEMENT |
| ⊠ ELECTRIC BOX | ○ SAN, SEW. MHT. | ⊠ TRANS. BOX | — PARKING STRIPE | — BOUNDARY |
| ⊠ ANTENNAE | ○ GUARD POST | | — CONCRETE RET. WALL | — TRACT LINE |
| | | | — STONE RET. WALL | — FLOOD LINE |
| | | | | — CONCRETE |
| | | | | — GRAVEL |
| | | | | — RAMP |
| | | | | — STONE |
| | | | | — NO PARKING |
| | | | | — MARQUEE SIGN |
| | | | | — STOP SIGN |

ORDINANCE NO. 1466-23

AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY GRANTING A SPECIFIC USE PERMIT PERMITTING OUTSIDE STORAGE AND DISPLAY (INCIDENTAL USE) ON CERTAIN PROPERTY LOCATED AT 3333 RUFÉ SNOW DRIVE, RICHLAND HILLS, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance, codified as Chapter 90 of the Richland Hills Code, and a comprehensive zoning map, regulating the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, in accordance with the Comprehensive Zoning Ordinance, the owner of the property referenced below has filed an application for a specific use permit for Outside Storage and Display (Incidental Use) in the “Mixed Use” (MX) Zoning District; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on January 24, 2023, and by the City Council of the City on February 13, 2023, with respect to the use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication, and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to grant such permit on the terms and conditions described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

**SECTION 1.
SPECIFIC USE PERMIT GRANTED**

Chapter 90, "Zoning," of the Richland Hills Code, as amended, is hereby amended so that a specific use permit is granted as shown and described below:

Applicant: Penny Luker

Property Address: 3333 Rufe Snow Drive, Richland Hills, Texas 76118

Legal Description: BEING a tract of land described as Block F, Lot 1, Richland Hills Addition, Richland Hills, Texas, and being more particularly described on Exhibit A attached hereto.

Zoning Change: The property shall remain located in the "Mixed Use" (MX) Zoning District, and a Specific Use Permit for Outside Storage and Display (Incidental Use), subject to the conditions outlined on Exhibit B, is hereby granted subject to the terms and conditions provided herein.

**SECTION 2.
ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING**

The zoning districts, boundaries, and uses as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, flood, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 3.
ZONING ORDINANCE AND SPECIAL TERMS AND CONDITIONS APPLICABLE**

The use of the property described herein shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City for the zoning district into which they have been assigned.

SECTION 4. ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, as amended, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 5. PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

SECTION 6. RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90 of the Richland Hills Code, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 7. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 8.
PUBLICATION CLAUSE**

The City Secretary of the City of Richland Hills is hereby directed to publish in the official newspaper of the City the caption and penalty clause of this Ordinance as required by law.

**SECTION 9.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 13, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

EXHIBIT A

Lot 1, Block F, Richland Hills Addition, to the City of Fort Worth, now in the City of Richland Hills, Tarrant County, Texas, according to Revised Plat recorded in Volume 388-C, Page 154, Plat Records, Tarrant County, Texas

EXHIBIT B

- 1) Only commercial vehicles used in business operations of tenants or owners of the property may be stored pursuant to the Specific Use Permit.**

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 13, 2023

Subject: Charter Election

Agenda Item:

Consider Ordinance 1467-23 calling a May 6, 2023 Special Election for the purpose of amending the City Charter

Background Information:

On November 14, 2022, the City Council appointed six (6) residents to serve on the Richland Hills Charter Review Committee. The Committee was tasked with reviewing the City Charter and recommending proposed amendments. In consultation with the City Attorney and City Staff, the Charter Review Committee recommended several amendments that can be included in one of the following categories:

1. The composition and terms of City Council
2. Compliance with state law
3. Correction of grammar/punctuation errors
4. Uniformity with current policies and procedures

The Charter Review Committee presented their proposed amendments to City Council on January 23, 2023. Following Council discussion, minor modifications were made to a few of the proposed amendments, and City Council approved moving forward with the Committee's recommendations.

Ordinance 1467-23 contains the proposition language that will appear on the ballot. By approving the resolution, the City Council will approve the ballot language, call the May 6, 2023 Charter Election as required by state law, designate a polling place for the election, and establish and set forth procedures for conducting the election.

Financial Considerations:

N/A

Legal Review:

All proposed amendments have been reviewed by the City Attorney.

Board/Citizen Input:

The Charter Review Committee met on the following dates to review and discuss proposed amendments:

- Thursday, December 1, 2022
- Thursday, December 8, 2022
- Thursday, December 15, 2022
- Thursday, January 5, 2023

The Charter Review Committee hosted a Town Hall Forum on Thursday, January 12, 2023 to present their proposed amendments to the public.

Attachments:

Ordinance 1467-23

Council Action Requested:

Motion to approve Ordinance 1467-23 calling a May 6, 2023 Special Election for the purpose of amending the City Charter

ORDINANCE NO. 1467-23

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, CALLING A SPECIAL ELECTION FOR SATURDAY, MAY 6, 2023, FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is the intention of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, an election to submit to the voters proposed amendments to the City Charter is required by law to be held on the uniform election date that occurs 30 days after the election is ordered and Section 3.005 of the Texas Election Code requires that a special election be ordered prior to February 17, 2023; and

WHEREAS, Section 41.011 of the Election Code establishes the first Saturday in May as a uniform election date, and the Council has determined that date sufficient in time to comply with the requirements of the law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

**SECTION 1.
CHARTER AMENDMENT ELECTION CALLED**

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Richland Hills proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in **Exhibit A**, attached to this ordinance and incorporated herein for all purposes and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 6, 2023, from 7:00 a.m. to 7:00 p.m. at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas 76118.

**SECTION 2.
ELECTION SERVICES CONTRACT**

The Mayor is hereby authorized to execute a contract with the Tarrant County Elections Administrator (the "Contract") for the purpose of having Tarrant County furnish all

or any portion of the election services and equipment needed by the City Secretary to conduct the election. The Contract, and election services provided therein, shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

SECTION 3. CONTRACT TERMS

The Contract shall provide: (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day; (b) notification and training for election judges and clerks; (c) an estimate and final payment terms for the election services provided; (d) agreements for early voting equipment and voting machine rental; and (e) other procedures to conduct the election.

SECTION 4. COMBINED BALLOTS

Combined ballots may be utilized, containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made on forms, which are individual or combined, and the Elections Administrator shall be designated as the custodian of combined records.

SECTION 5. CHARTER PROPOSITION BALLOTS

The official ballots for the election shall be prepared in accordance with the Election Code so as to permit the electors to vote "Yes" or "No" on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth on Exhibit "B," attached hereto and incorporated herein for all purposes.

SECTION 6. POLLING PLACE

The polling place for the special election shall be at Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas 76118, between the hours of 7:00 a.m. and 7:00 p.m., on election day.

SECTION 7. ELECTION JUDGE

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the Contract and authorized by Chapter 271 of the Election Code.

SECTION 8. METHOD OF VOTING

The City Secretary is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the special election, in accordance with this Ordinance and the Election Code.

SECTION 9. EARLY VOTING

(a) Early Voting by Personal Appearance. Heider Garcia, the Tarrant County Elections Administrator (“Elections Administrator”), is hereby designated as the Early Voting Clerk for the election as indicated in the Contract. Early voting by personal appearance shall commence April 24, 2023, and shall continue until May 2, 2023. Early voting main location will be at the Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas.

Early voting by personal appearance begins on Monday, April 24, 2023, and ends on Tuesday, May 2, 2023, during the hours listed below:

April 24 – 28	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	7:00 a.m. – 7:00 p.m.
April 30	Sunday	11:00 a.m. – 4:00 p.m.
May 1 – 2	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

(b) Early Voting by Mail. The Elections Administrator shall be responsible for Early Voting applications and ballots. Applications for early voting by mail may be delivered to Heider Garcia, Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not later than close of business on April 25, 2023. Early voting ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots received to the Elections Administrator as provided in the Contract.

SECTION 10. NOTICE

(a) Notice of Election. A substantial copy of this Ordinance shall serve as proper notice of the special election. Said notice, including a Spanish translation thereof, shall be posted not later than the twenty first (21st) day before the election on the bulletin board used for posting notices of meetings of the City Council and shall be published at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election in a newspaper published and of general circulation in the City of Richland Hills.

(b) Publication of Amendments. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Richland Hills on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendments.

SECTION 11. AMENDMENTS

Matters contained in this Ordinance relating to discretionary procedural matters may be amended by resolution of the City Council.

SECTION 12. OTHER ACTION

The Mayor and City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 13. CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and resolutions of the City of Richland Hills, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and resolutions are hereby repealed.

SECTION 14. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 15. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 13, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

EXHIBIT A
RICHLAND HILLS CHARTER CHART 2022 PROPOSED AMENDMENTS

ARTICLE IV. – ENUMERATED POWERS

Sec. 4.01. – Enumerated powers.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have, and may exercise, all powers of local self-government, and all powers enumerated in the Constitution and laws of the State of Texas, or any other powers it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed herein, or when not prescribed herein, then in the manner provided by the laws of Texas relating to cities and towns. The City shall have the power to cooperate with the Federal Government and its agencies, with the State Government and its agencies, and with any political subdivision, or agency thereof.

ARTICLE V. – CITY COUNCIL

Sec. 5.01. – City Council.

- A. The governing body of the City shall consist of a City Council composed of a Mayor and six (6) Councilmembers.
- B. The Mayor and Councilmembers shall be elected from the City at large. The other members of Council shall be elected to the office at large, but by specific place, which shall be designated as Places One, Two, Three, Four, Five and Six.
- C. The Mayor and members of the City Council shall be elected for terms of three (3) years and shall hold office until their respective successors have been elected and qualified. Two (2) members shall be elected at the regular election held annually on the first Saturday in May, except every third year where the Mayor and two councilmembers shall be elected, unless the Council designates an alternative date allowed by State law at least six (6) months prior to the regular election. In order to affect a transition to three (3) year terms upon the adoption of the Charter, elections shall be held as follows:
 - a. The Mayor and Place 2 and Place 4 shall fulfill their two-year terms and be elected to three (3) year terms upon expiration of the current term in 2024.
 - b. Place 1 shall be elected to three (3) year terms upon the expiration of the current two-year term in 2025.
 - c. The current terms of Place 3 and Place 5 shall be extended one (1) year to expire in 2026, at which time Place 3 and Place 5 shall be elected to a three (3) year term.
 - d. If approved, Place 6 shall be elected or appointed to serve for a two-year term to expire in 2025, at which time Place 6 shall be elected to a three (3) year term.

Sec. 5.02. – Qualifications.

Each of the six Councilmembers and Mayor shall, on the date of the election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas; shall reside and shall have resided for at least one year preceding the election for which they are a candidate, within the corporate limits of Richland Hills; and shall not be disqualified by reason of any provision of any other section of this Charter. A person who does not possess each of the above qualifications at the time of his/her filing as a candidate shall not be eligible to be elected to the Council. A member of the Council ceasing to possess any of the qualifications specified in this section or any other section of this Charter, or convicted of a felony while in office, shall immediately vacate his/her office. No Councilmember shall hold any other public office except that of Notary Public, a member of the National Guard or any Military Reserve, or a retired member of the Armed Services.

Sec. 5.03. – Election.

The regular municipal elections of the City of Richland Hills shall be held on the May uniform election day of each year or as otherwise provided by state law and shall be conducted in accordance with State law.

Elections shall be governed in compliance with the Texas Election Code, as amended.

Sec. 5.04. – Election Judges and Other Election Officials.

The election judges, and other election officials for conducting all City elections, shall be appointed by the City Council or as provided by the Texas Election Code. The election judges shall conduct the elections, determine, record and report the results as provided by the election laws of Texas.

Sec. 5.05. – Judge of Election.

The City Council shall be the judge of the election and qualification of its own members and of the Mayor, subject to the courts in the case of contest. The City Council shall, as soon as practical after the election, in compliance with the Texas Election Code, as amended, canvass the returns and declare the results of such election. If such election results in a candidate not receiving a majority of votes cast for that office, the City shall order a runoff election to be held in compliance with the Texas Election Code, as amended. In the event one of the candidates of the first election withdraws or dies, a second election shall not be held for that office, and the other candidate for such office shall be declared elected, and shall be seated.

Sec. 5.06. - Vacancies.

In the event of a vacancy from any cause in the office of Mayor or Councilmember with three-year terms, and an unexpired term greater than 12 months, the City Council shall order a special election called for the purpose of filling the vacancy within one hundred and twenty (120) days after such vacancy or vacancies. However, if a vacancy occurs in the office of Mayor or Councilmember with an unexpired term of 12 months or less, the City Council may call a special election to fill the vacancy or may, by majority vote of the Council present, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution.

In the event of a vacancy from any cause in the office of Mayor or Councilmember with two-year terms, the City Council may call a special election to fill the vacancy or may, by majority vote of Council present, appoint a person to fill such vacancy until the expiration of the office to be filled, if permitted by the Texas Constitution.

Sec. 5.07. – City Council Meetings.

The City Council shall meet a minimum of one (1) time per month and more as needed.

Sec. 5.08. – Absence of Mayor and Councilmembers.

- A. If the Mayor or a Councilmember has four (4) unexcused absences from a regular city council meeting in a term, the Mayor or Councilmember may be removed from office by a vote of majority of the City Council. If removed, the City Council shall declare the office vacant and proceed to fill the office as in the case of other vacancies.
- B. At each regular meeting from which the Mayor or a Councilmember is absent, the City Council shall determine whether the absence is excused.

Sec. 5.09. – Limitations on Successive Terms

- A. A council member who has served as a council member, regardless of place, for three (3) consecutive terms, shall not again be eligible to become a candidate for or to serve as a council member until the next general election after the third consecutive term has expired. This shall not prevent a council member from becoming a candidate for mayor upon expiration of the third consecutive term as a council member.
- B. A mayor who has served as mayor for three (3) consecutive terms as mayor shall not again be eligible to become a candidate for or to serve as mayor until the next general election after the third consecutive term has expired. This shall not prevent a mayor from becoming a candidate for council member upon expiration of the third consecutive term as mayor.
- C. A person who has served eighteen (18) consecutive years on the council, in any combination of years spent as mayor or council member, shall not again be eligible to become a candidate for or to serve as mayor or council member until the next general election after the expiration of the term completing the eighteen (18) year period.

1.

Sec. 5.10. – Compensation.

The City Councilmembers and Mayor each shall be allowed, for incidental expenses, the sum of Ten Dollars (\$10.00) per meeting and such designated actual expenses supported in writing which shall have been presented to the City Council and received approval.

ARTICLE VI. – POWERS AND DUTIES OF OFFICERS

Sec. 6.02. – Duties of Mayor-Mayor Pro Tem.

- (a) The Mayor of the City of Richland Hills:
- (1) Shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon the Mayor by this Charter and the ordinances and resolutions passed pursuant thereto.
 - (2) May participate in the discussion of all matters coming before the Council and shall be entitled to vote on all matters, but shall have no veto power.
 - (3) Shall sign all contracts and conveyances made or entered into by the City that require Council approval and all bonds issued under the provisions of this Charter.
 - (4) Shall be the chief executive officer of the City.
 - (5) May, in time of danger or emergency, in accordance with the Texas Disaster Act of 1975, V.T.C.A., Government Code Ch. 418, take command of the police and other departments and govern the City by proclamation and maintain order and enforce all laws. The Mayor's actions may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the City Council.
- (b) The Mayor Pro Tem shall be elected from among the members of the ~~six~~ (6) Councilmembers; shall be elected at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.

Sec. 6.03. – Powers and Duties of City Council.

The powers and duties herein conferred upon the City Council shall include but shall not be limited to the following:

- (1) To appoint and remove the City Manager, City Secretary, City Attorney, Municipal Judge and relief Municipal Judges, and other such employees required by State law to be appointed by the City Council.
- (2) To adopt the budget of the City.
- (3) To authorize the issuance of:
 - A. Bonds by a bond ordinance;
 - B. Certificates of obligation subject to notice, petition, and election provisions provided within V.T.C.A., Local Government Code § 271.041, the Certificate of Obligation Act.
- (4) To inquire into the conduct of any office, department, or agency of the City and direct the City Manager to make investigation as to municipal affairs.
- (5) To appoint commissions, boards, committees, task forces, and/or appointed groups to assist the Council in performance of its duties and responsibilities, such powers subject to the restrictions of the Charter and the laws of the State of Texas.
- (6) To adopt plats.
- (7) To adopt and modify the official map of the City.
- (8) To provide for the establishment and designations of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and

provide for the condemnation of dangerous structures or buildings or dilapidated buildings, calculated to increase the fire hazard, and the manner of their removal or destruction.

- (9) To fix the salaries and compensation for the appointed City officers.
- (10) To provide for sanitary sewer and water system.
- (11) All other powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the City, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority to exercise those powers that are expressly conferred upon other City officers by this Charter.

Sec. 6.04. – Appointment or Removal by City Council.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or their removal from, office by the City Manager or by any of their subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilmember violating the provisions of this Section shall be guilty of a Class C misdemeanor and fined not in excess of \$200.00, and, if so convicted, shall cease to be a Councilmember.

ARTICLE VII. - ADMINISTRATION

Sec. 7.01. – City Manager.

(a) *Appointments and qualifications.* The Council shall appoint a City Manager who shall be the chief administrative officer of the City, and shall be responsible to the Council for the administration of all the affairs of the City. The City Manager shall be chosen by the Council solely on the basis of their executive and administrative training, education, experience, ability, and character, and need not, when appointed, be a resident of the City. No member of the City Council shall, during the time for which they are elected and for two (2) years thereafter, be appointed City Manager.

(b) *Term and salary.* The City Manager shall be appointed by the affirmative vote of five (5) members of the City Council, and may be removed at the will and pleasure of the Council by the affirmative vote of five (5) members of the Council. The action of the Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. In case of absence or disability to the City Manager, the Council may designate some qualified person, other than an elected officer of the City, to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council.

(c) *Powers and duties of the City Manager.* The powers herein conferred upon the City Manager shall include but shall not be limited to the following:

- (1) Appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or this Charter.

- (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter.
- (3) See that all State laws and City ordinances are effectively enforced.
- (4) Prepare and submit the annual budget and a five (5) year capital improvement program to the Council as prescribed in Article XII of the Charter.
- (5) Submit to the Council monthly a report thereof on the finances and administrative activities of the City and a complete report at the end of each fiscal year.
- (6) Attend all meetings of the Council, except when excused by the Council.
- (7) Provide for an employee grievance system as approved by the Council.
- (8) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with provisions of this Charter.

Sec. 7.02. – Appointment and Removal of City Secretary.

The City Council shall appoint or remove the City Secretary with approval of a majority of the Council. The City Secretary shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his/her signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to him/her and those elsewhere provided for in this Charter, and shall keep and affix the City seal to all official documents.

Sec. 7.03. - Appointment and Removal of City Attorney.

- (a) The City Attorney shall be appointed by a majority vote of the City Council. The City Council may remove the City Attorney at any time upon the affirmative vote of a majority of all its members.
- (b) The City Attorney shall:
 - 1. Serve as the legal advisor to the Council and City Manager;
 - 2. Represent the City in litigation and legal proceedings as directed by the Council and City Manager;
 - 3. Review and provide opinions as requested by Council or the City Manager on contracts, legal instruments, and ordinances of the City; and
 - 4. Perform other duties prescribed by this Charter, by ordinance, or as directed by the Council or City Manager.
- (c) The Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as City Attorney.
- (d) Compensation shall be fixed by contract with the approval of Council or by appointment subject to the approval of Council.
- (e) Council shall have the right to retain separate counsel at any time that it may deem necessary and appropriate.

ARTICLE VII(A). – MUNICIPAL COURT

Sec. 7(A).01. – Municipal Court of Record.

There shall be a court known as the Richland Hills Municipal Court of Record, with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas for municipal courts of record. The City Council shall be empowered to create by ordinance additional municipal courts of record if it finds that such additional courts are necessary to dispose properly of the cases arising in the City.

(1) *Judge of the Municipal Court of Record.* The Municipal Court of Record shall be presided over by a Magistrate who shall be known as the Municipal Judge. The Municipal Judge shall be a competent and duly licensed attorney in good standing who practices law in Tarrant County, Texas. The Municipal Judge may not serve as such while holding any other office or employment with the City of Richland Hills, Texas. The Municipal Judge shall be appointed by the City Council for a two-year term.

(2) *Vacancies: Temporary replacement; removal.*

A. If a vacancy occurs in the office of Municipal Judge of the Richland Hills Municipal Court of Record, the City Council shall appoint a qualified person to fill the office for the remainder of the unexpired term.

B. The City Council may appoint persons as Associate Judges. An Associate Judge must meet the qualifications prescribed for the Municipal Judge. The Municipal Judge may assign a relief judge to act for the Municipal Judge if they are temporarily unable to act for any reason. An Associate Judge has all the powers and duties of the office while so acting.

C. The Municipal Judge may be removed after written notice and an opportunity to be heard before the Council.

(3) *Clerk of the Municipal Court of Record.* There shall be a Clerk of the Municipal Court of Record who shall be appointed by the City Manager, and who shall be known as the municipal clerk. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of the Richland Hills Municipal Court of Record and conducting business thereof. The municipal clerk shall also perform such duties as are specified to be performed by the municipal clerk under the general laws of the State of Texas governing municipal courts or, more specifically, municipal courts of record. The municipal clerk shall perform any other duties as specified by the City Manager. With the consent of the City Manager, the clerk may appoint one or more deputy clerks to act for the clerk. The City Manager shall provide the courts with other municipal court personnel that the City Manager determines necessary for the proper operation of the court. Those persons shall perform their duties under the direction and control of the clerk or the Municipal Judge to whom assigned.

(4) *Procedure in the Municipal Court of Record.* All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail, and taking of bonds shall be governed by the Code of Criminal Procedure and the general laws of the State of Texas applicable to municipal courts or, more specifically, to municipal courts of record.

State Law reference— Municipal court of record, V.T.C.A., Government Code § 30.481, *et seq.*

ARTICLE VIII. – PUBLIC UTILITIES

Sec. 8.01. – City Ownership and Operation Thereof.

(a) *General.* The City shall have power to build, construct, purchase, own, lease, maintain, and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal equipment and appliances, natural gas systems, park and swimming pools, fertilizer plants, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided in Article Chapter 552 of the Texas Local Government Code, as amended, and any other laws of the State of Texas applicable thereto; and all the powers which the City might exercise in connection with such public utilities and public services under Chapter 552 of the Texas Local Government Code, and any amendment thereto, now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary to efficiently carry out said objects.

(b) *Power to contract for public utilities.* The City is authorized to enter into contracts or leases with individuals, corporations, partnerships, or other municipal corporations, for furnishing in whole or in part any public utility or portions of public utility systems that might be needed by the City or the citizens of the City. The consideration for such contracts or leases may in the discretion of the City Council be paid by the City or prorated to the individual users of the utility covered by such contract or lease; or to permit individuals, corporations, partnerships, or other municipal corporations to furnish in whole or in part any public utility or portion of any public utility direct to the citizens of the City on such terms as the City may direct.

(c) *Right to purchase commodities or services essential to the city or its citizens.* The City shall have the power to purchase electricity, gas, oil, or any other article, commodity, or service essential to a proper conduct of all the affairs of the City, and of its inhabitants on such terms as the City Council may deem proper, for sale and distribution to the inhabitants of the City or adjacent territory.

State Law reference— Power to franchise, Texas Local Government Code, Chapter 51.

Sec. 8.02. – Regulation of Public Utilities.

(a) The City Council shall have the power by ordinance, after notice to the utility and hearing before the Council, to fix and regulate charges, fares, or rates of compensation to be charged by any person, firm, or corporation enjoying a franchise in the City, or engaged in furnishing a public utility service in the City, including cable television and shall in determining, finding, and regulating such charges, fares, or rates of compensation, base the same upon the fair value of the property of such person, firm, or corporation devoted to furnishing service to such City or the inhabitants thereof. The City Council may prescribe the character, quality, and efficiency of service to be rendered, and shall have the power to regulate and require the extension of adequate lines or service of such public utility within such City by such person, firm, or corporation, taking into consideration the cost to the utility, and from time to time may alter or change such rules, regulations, and compensation, provided that, in adopting such regulations and in fixing or changing such compensation, or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with

the laws and Constitution of this State applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate of regulation, the City Council shall have full power to inspect the books of any such utility serving the inhabitants of the City and compel production of records and the attendance of witnesses for such purpose.

(b) Any company, corporation, or person engaged in furnishing to the inhabitants of the City any light, power, gas, telephone, transit, cable television, or other public utility services, may be required at any time by ordinance or resolution of the City Council to file with the City Council written reports pertaining to operations and business within the City, and such report shall contain such data, facts, and information as may be required by such ordinance or resolution, under the same standards and rules of the State Public Utility Commission and other rules not inconsistent therewith.

In addition to the foregoing powers, the City shall have all the powers and privileges provided for by Chapter 51 of the Texas Local Government Code, as amended, in regulating public utilities.

State Law reference— Authority to regulate electric utilities, V.T.C.A., Utilities Code § 33.001, *et seq.*

ARTICLE IX. – CONTRACTS

Sec. 9.02. — Personal Services.

~~No contract shall ever be made which binds the City for personal services, except for professional or City Manager services to be rendered for any stated period of time, but all appointive employees shall be subject to discharge after a hearing, and when discharged shall only be entitled to compensation up to and, including the date of their discharge, any provision to the contrary in this Charter notwithstanding. Contracts for professional or City Manager services shall be of a term of no longer than five (5) years, and shall contain express language providing for termination without compensation beyond the date of occurrence of any of the following: conviction of a felony or other crime involving moral turpitude; violations of the provisions of the Charter or of any ordinance, rule, or of special orders applicable to such person.~~

Sec. 9.02. – Goods, Materials, Services or Supplies.

(a) The City Council may, by ordinance, give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.

(b) All contracts for expenditures or purchases involving more than the set limits must be expressly approved in advance by the City Council.

(c) All contracts or purchases involving more than the limits set by Council shall be awarded by the City Council in accordance with state law.

State Law reference— Purchases and contracts, V.T.C.A., Local Government Code § 252.001, *et seq.*

Sec. 9.03. – Franchises and Special Privileges.

(a) The right to control, easement, use, and ownership and title to the streets, highways, public thoroughfares, and property of the City, its avenues, parks, bridges, and all other public places and property, are hereby declared to be inalienable. No franchise on any City property shall

be granted except by ordinance duly passed by five-sevenths (5/7) affirmative votes of the entire City Council.

(b) No grant of any franchise or lease, or right to use the same, either on, through, along, across, under, or over the same, by any private corporation, association, or individual shall be granted by the City Council for a longer period than twenty-five (25) years, unless submitted to the vote of the legally qualified voters of the City in the manner provided for in Section 282.003 of the Texas Local Government Code in conjunction with Chapter 311, Subchapter D of the Texas Transportation Code, the expense of such election to be borne by the applicant.

(c) The City Council may, of its own motion, submit all of such applications, to an election at which the people shall vote upon the proposition therein submitted, the expense of such election in all cases to be borne by the applicant.

(d) No franchise shall ever be granted until it has been approved by majority of the City Council, nor shall any such franchise, grant, or privilege ever be made unless it provides for adequate compensation or consideration therefor to be paid to the City.

(e) Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rate and to maintain the property devoted to the public service in good repair throughout the term of grant of said franchise.

(f) No franchise grant shall ever be exclusive.

(g) The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a State or Federal law or agency.

ARTICLE X. – OWNERSHIP OF REAL OR PERSONAL PROPERTY

Sec. 10.01. – Acquisition of Property.

(a) The City shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation, or otherwise, any character or property, within or without its municipal boundaries, including any charitable or trust funds.

(b) Specifically, but without limitation of the foregoing, the City shall have full power and authority to acquire through the exercise of eminent domain, or by purchase, or otherwise, and maintain and operate, any part or all of any water works system, sewerage system, or other public utility used in serving citizens of the City. Such power and authority shall include that specified in [Chapter 51 of the Texas Local Government Code](#) as now existing or as hereafter amended, and any common law or other statutory law applicable thereto, and such power and authority shall not be limited by any such specific statutory provisions. Such power and authority shall include the right to acquire by eminent domain or purchase from any person, firm, or corporation any part or all of the physical properties, easements, franchises, and other tangible and intangible properties and rights that may be in use as an operating utility business. Such power and authority shall include the right to acquire by eminent domain or purchase an undivided interest in any easements or facilities that may be in use to serve any other community and shall also include the right to acquire by eminent domain or purchase any properties located outside of the corporate boundaries of the City if needed by the City in operation of such utility system.

ARTICLE XI. – STREETS AND ALLEYS

Sec. 11.01. – Street Powers.

The City shall have exclusive control of all alleys, streets, gutters, and sidewalks situated within the City, and the power to lay out, establish, open, alter, extend, widen, straighten, abandon, close, lower, grade, narrow, care for, supervise, maintain, and improve any public street, alley, avenue, boulevard, or public thoroughfare and for any such purposes to acquire the necessary lands and to appropriate the same under the power of eminent domain. The City shall also have the power to name or rename, vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard, or other public thoroughfare or public grounds, and to convey in fee the same in exchange for other lands, over which any street, alley, avenue, boulevard, or public thoroughfare may be laid out, established, and opened; and the City's right to sell and dispose of in fee any part of a street, alley, avenue, boulevard or public thoroughfare so vacated and abandoned, or the City's right to convey same in exchange for other lands to be used in laying out, opening, widening, and straightening any street, shall never be questioned in any of the Courts of this State. The procedure for closing streets and alleys shall be in conformity with due process of law and shall be particularly prescribed and provided for by ordinance passed in the usual manner by the City Council.

ARTICLE XII. – FINANCE: BUDGET

Sec. 12.01. – Preparation and Submission.

The City Manager, or their designee, shall submit a proposed City budget for the ensuing fiscal year to the City Council in compliance with the timelines outlined in Chapter 102 of the Texas Local Government Code, as amended. From its date of submission, the proposed budget shall be a public record.

Sec. 12.02. – Hearing.

The City Council shall hold a public hearing on the budget as required by Chapter 102 of the Texas Local Government Code, as amended.

Sec. 12.03. – Adoption.

After hearing, the City Council may make such changes as it deems proper in the proposed budget and adopt a final budget prior to the beginning of the budget year. All budget hearings and action on the budget shall be open to the public.

Sec. 12.04. - Effective Date.

The budget shall go into effect on the first day of the budget year. Budget amendments must comply with Chapter 102 of the Texas Local Government Code.

Sec. 12.05. – Capital Improvement Plan.

The City Manager shall include with the proposed budget a five (5) year capital improvement plan. Such plan, upon approval by the Council, shall serve as a guide for capital improvements of the City

ARTICLE XIV. – PLANNING AND BUILDING REGULATIONS

14.01 Boards and Commissions

The City Council shall create, establish, or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by Council, such boards, commissions, and committees as it deems necessary to carry out the functions and obligations of the City. Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability, and tenure of each board, commission, and committee where such are not prescribed by law or this Charter.

~~Sec. 14.02. – Planning and Zoning Commission Powers and Duties.~~

~~The Planning and Zoning Commission shall:~~

- ~~— (1) Recommend a City plan for the physical development of the City;~~
- ~~— (2) Recommend to the City Council approval or disapproval of proposed changes in the Zoning Plan; and~~
- ~~— (3) Recommend to the City Council approval or disapproval of proposed platting or subdividing land within the corporate limits of the City to the extent authorized by law. The Commission shall be responsible to and act as an advisory body to the Council and shall have and perform such additional duties as may be prescribed by ordinance.~~

Sec. 14.02. – Master Plan.

The Master Plan for the City shall contain the Planning and Zoning Commission's recommendations for the growth, development and beautification of the City. Amendments thereto will be approved by the said Commission. The Master Plan shall serve as a general guide for the development of the City.

Sec. 14.03. – Legal Effect of the Master Plan

Upon the adoption of a Master Plan by the City Council, no subdivision, street, park or any public way, ground or space, public building or structure, or public utility whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City Council until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and upon such overruling, the Council shall have the power to proceed. The widening, narrowing, relocating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, if real property, shall be subject to similar submission and approval by the Planning and Zoning Commission, and failure to approve may be similarly overruled by the City Council.

Sec. 14.05. — General Building Regulations.

The City may regulate the erection, building, placing, moving or repairing of buildings or other structures, within such limits of the City as it may designate and prescribe, in order to guard against the calamities of fire, flood, or windstorm and may within said limits prohibit the moving or putting up of any building or other structure without said limits, and may also prohibit the removal of any building or other structure from one place to another within said limits, and may direct that all buildings or other structures within the limit so designated as aforesaid shall be made or constructed of fire-resistant materials, and may declare any dilapidated building or structure to be a nuisance and direct the same to be repaired, removed or abated in such manner as they shall direct; to declare all buildings and other structures in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

Sec. 14.06. — Building Lines.

The City shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its governing body, under the public power, to provide by suitable ordinance building lines on any street or streets, or any block of any street or streets, and to require their observance by suitable penalties.

ARTICLE XV. – RECALL OF OFFICERS

Sec. 15.02. – Petition for Recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of the number of votes cast at the last regular municipal election of the City, but in no event, less than 250 such petitioners. Petitions must comply with Texas Election Code, Chapter 277, as amended.

ARTICLE XVI. INITIATIVE AND REFERENDUM

Sec. 16.02. – [Procedure]

(a) *Initiative.* Initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance. Qualified voters of the City of Richland Hills may initiate legislation (except levying taxes, setting rates for services, adoption of a budget or capital improvement program, any ordinance related to zoning, issuance of bonds or notes, borrowing of money, salaries or duties of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative, or any subject where State law requires a public hearing) by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to 25% of the number of votes cast at the last regular municipal election of the City, or 250, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall

petitions are signed in this Charter, and shall be verified by oath in the manner and form provided for recall petitions in this Charter. The petition may consist of one or more copies as permitted for recall petitions in this Charter. Such petitions shall be filed with the persons performing the duties of City Secretary, who, within five (5) days, shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation of the petition and draft of the proposed ordinance or resolution to Council, it shall become the duty of the City Council, within the ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election as soon as possible, subject to the Texas Election Code, which the qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election.

(b) *Referendum*. Registered, qualified voters of the City of Richland Hills may require that any ordinance or resolution passed by the City Council be submitted to the voters of the City for approval or disapproval, (except levying taxes, setting rates for services, adoption of a budget or capital improvement program, any ordinance related to zoning, issuance of bonds or notes, borrowing of money, salaries or duties of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, any instance where a court of proper jurisdiction determines that the initiated ordinances has been removed from the field of initiative, or any subject where State law requires a public hearing) by submitting a petition for this purpose within forty-five (45) days after final passage of said resolution or within thirty (30) days after publication of such ordinance. Said petition must be signed by qualified voters of the City equal in number to 25% of the number of votes cast at the last regular municipal election of the City, or 250, whichever is greater. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in Sections [15.02](#) and [15.03](#), Article XV of this Charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of City Secretary. Within five (5) days upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall, within ten (10) days, reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at a special election as soon as possible, subject to the Texas Election Code, at which time the registered, qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed question. However, if any other municipal election is to be held within sixty (60) days of the filing of the petition, the question may be voted on at such election. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the registered, qualified voters voting thereon at such election shall vote in favor thereof.

(c) Any qualified voter of the City may seek judicial relief in the District Court of Tarrant County in the event the Council fails to act on an initiative or referendum petition meeting the requirements of this Article.

ARTICLE XVII. – GENERAL PROVISIONS

Sec. 17.03. – Official Oath.

All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas. Oath of office shall be administered by any person authorized by law to administer oaths.

State Law reference— Oath, Tex. Const. art. XVI, § 1

Sec. 17.05. - Public Records.

The City shall comply with State law with regard to releasing records to the public.

State Law reference— Public records law, V.T.C.A., Government Code § 552.001, *et seq.*

Sec. 17.12. – Nepotism.

No person related within the second degree by affinity, or the third degree by consanguinity, to a member of the Council or the City Manager shall be appointed to any paid office or board, commission, or committee of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for at least six months prior to the election of the Council member or 30 days prior to the appointment of the City Manager so related to the employee.

Sec. 17.13. – Ethics.

(a) No elected or appointed officer or employee of the City shall benefit unduly by reason of his/her holding public office.

(b) No officer or employee of the City shall have a substantial interest in the sale of any land, materials, supplies or service to the City. Any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. "Substantial interest" as used in this section shall have the same meaning as given in the Texas Local Government Code, as amended.

(c) Failure to comply with any provisions of the foregoing Sections [17.13\(a\)](#) or [17.13\(b\)](#) shall constitute malfeasance in office and any officer failing to so comply shall immediately be suspended pending an outcome of an investigation of the charges. Within five (5) days of said suspension the officer shall receive written notice detailing the specific charges brought against him. A Public Hearing will be held within fifteen (15) days after the written notice to determine whether the charges are well founded and whether said officer shall be reinstated or shall be terminated and the position declared vacant.

(d) Any violation of the foregoing Sections [17.13\(a\)](#) or [17.13\(b\)](#) with the knowledge, express or implied, or persons or corporations contracting with the City shall render the contract voidable by the Council.

Sec. 17.14. – Political and Religious Discrimination.

No person in the service of the City, or seeking admission thereto, shall be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race, color, religious beliefs, sex, or national origin, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.

Sec. 17.15. – Political Activity.

(a) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with his/her appointment or promotion or any examination conducted therefor.

(b) Any person who either by himself/herself, or with others, willfully violates any provision of the foregoing Section [17.15\(a\)](#) shall be ineligible for appointment or election to a position in the

City for a period of four (4) years, and if he/she is an officer or employee of the City at the time of such violation, he/she shall immediately forfeit the office or position he/she holds.

Sec. 17.16 — Building Permits

EXHIBIT B BALLOT LANGUAGE

Proposition A – City Council

Shall Sections 5.01, 5.08, 5.09, 5.12, 7.01, and 9.04 of the Richland Hills Home Rule Charter be amended to provide that the City Council shall be increased to six Councilmembers; to provide that Councilmembers shall serve three-year terms; to provide that the Mayor and Councilmembers must be elected by a majority vote; to provide for a runoff election in the event a candidate does not receive a majority vote; to provide for the transition to three-year terms by establishing an election schedule; to provide that vacancies in offices with three-year terms with an unexpired term greater than 12 months must be filled by special election and such vacancies with unexpired terms of 12 months or less may be filled by appointment; to provide that vacancies in any offices with two-year terms may be filled by special election or appointment; and to provide that a super-majority of council shall be 5 votes?

Proposition B – City Council

Shall Section 5.02 of the Richland Hills Home Rule Charter be amended to provide that qualification requirements for a place on the ballot for city council shall be governed by state application and qualification requirements?

Proposition C –Elections

Shall Section 5.03 of the Richland Hills Home Rule Charter be amended to provide that city elections are held on the May uniform election date and are governed by state law and Sections 5.04, 5.05 and 5.06 be deleted as repetitive or moot?

Proposition D – Elections

Shall Section 5.07 and 5.08 of the Richland Hills Home Rule Charter be amended to provide that election judges shall be appointed as provided by state law, and to provide that elections shall be canvassed in compliance with the Texas Election Code?

Proposition E – City Council

Shall Section 5.11 of the Richland Hills Home Rule Charter be amended to revise the process for removing a council member from office who has four unexcused absences from a regular city council meeting in a term?

Proposition F – City Council

Shall Section 5.12 of the Richland Hills Home Rule Charter be amended to provide the Mayor shall be limited to three (3) consecutive terms as Mayor, not including any time served as a councilmember; to provide that councilmembers shall be limited to three (3) consecutive terms, not including any time served as Mayor; and to provide a limit of eighteen (18) consecutive years served on council in any combination of positions?

Proposition G – City Council Compensation

Shall Section 5.13 of the Richland Hills Home Rule Charter be amended to provide that members of the city council shall receive ten dollars (\$10.00) per meeting?

Proposition H – Duties of the Mayor

Shall Section 6.02 of the Richland Hills Home Rule Charter be amended to provide that the Mayor shall vote on all matters; to provide that the Mayor shall sign contracts that require Council approval; and to remove requirements that the Mayor be recognized as the official for service of process?

Proposition I – Powers of the City Council

Shall Section 6.03 of the Richland Hills Home Rule Charter be amended to provide that Council shall be responsible for the appointment and removal of the City Secretary, that it may direct the City Manager to investigate administrative affairs, and that it may determine salaries of appointed City officers; to provide that it possesses all other powers and authorities possessed by the City; and to remove the duties of establishing departments, regulating vehicle owners, and regulating burial grounds and cemeteries?

Proposition J – City Council Removal

Shall Section 6.04 of the Richland Hills Home Rule Charter be amended to remove the authority to remove a Councilmember for violating provisions against influencing the appointment or removal of staff members or issuing direct orders to administrative staff?

Proposition K – City Manager

Shall Section 7.01 of the Richland Hills Home Rule Charter be amended to remove requirements that the City Manager provide department heads a monthly financial report?

Proposition L – City Secretary

Shall Section 7.02 of the Richland Hills Home Rule Charter be amended to provide that the City Council may appoint or remove a City Secretary by a majority vote and to remove authority to appoint Assistant City Secretaries?

Proposition M – City Attorney

Shall Section 7.03 of the Richland Hills Home Rule Charter be amended to provide that Council may appoint or remove a City Attorney by majority vote; to describe the duties of the City Attorney; to authorize Council to retain separate counsel as necessary; and to authorize Council to set the City Attorney's compensation?

Proposition N – Municipal Court

Shall Section 7(A).01 of the Richland Hills Home Rule Charter be amended to refer to Associate Judges and to provide that the City Manager shall appoint and supervise the Court Clerk?

Proposition O – Personal Services

Shall Section 9.02 of the Richland Hills Home Rule Charter be amended by deleting Section 9.02 prohibiting Personal Service contracts?

Proposition P – Franchises

Shall Section 9.04 of the Richland Hills Home Rule Charter be amended to provide that a franchise grant of City property must be approved by a super-majority of City Council; and to remove requirements that franchises must be considered at two regular council meetings?

Proposition Q – Street Powers

Shall Section 11.01 of the Richland Hills Home Rule Charter be amended to provide consistency in the types of streets subject to the City's authority?

Proposition R – Budgetary Process

Shall Sections 12.01, 12.02, 12.03, 12.04, and 12.05 of the Richland Hills Home Rule Charter be amended to provide that the annual budgetary process shall comply with state law, and to require the City Manager to include a five-year capital improvement plan with the proposed budget?

Proposition S – Board and Commissions

Shall Sections 14.01 and 14.02 of the Richland Hills Home Rule Charter be combined and amended to provide that City Council has the authority to establish boards, commissions, and committees as necessary?

Proposition T – Recall of Officers

Shall Section 15.02 of the Richland Hills Home Rule Charter be amended to provide that that State law controls the filing of a recall petition?

Proposition U – Initiative and Referendum

Shall Section 16.02 of the Richland Hills Home Rule Charter be amended to provide that ordinances pertaining to levying taxes, setting rates for services, adopting a budget or capital improvement program, zoning, issuances of bonds, borrowing money, salaries or administration of employees, annexation, boundary adjustments, any matter a court has determined inappropriate for initiative or referendum, or any subject requiring a public hearing shall not be subject to initiative or referendum; and to provide petitions for referendum must be signed by the greater of 25% of the number of votes cast in the last municipal election or 250 votes?

Proposition V – Oath of Office

Shall Section 17.03 of the Richland Hills Home Rule Charter be amended to provide that any person authorized by law may administer oaths of office?

Proposition W – Public Records

Shall Section 17.05 of the Richland Hills Home Rule Charter be amended to provide that the City shall comply with state public records laws?

Proposition X – Nepotism

Shall Sections 17.12 and 17.13 of the Richland Hills Home Rule Charter be amended to revise the nepotism provision to apply to a person appointed to a paid position or a board, commission, or committee; to provide a continuous employment exception; and to revise the substantial interest provision to comply with state law?

Proposition Y – Discrimination

Shall Section 17.14 of the Richland Hills Home Rule Charter be amended to prohibit discrimination of protected classes in accordance with state and federal law?

Proposition Z – Political Activity

Shall Section 17.15 of the Richland Hills Home Rule Charter be amended to remove restrictions on employee campaign contributions or activities?

Proposition AA – Removal of Redundant Provisions, Updating Statutory References, and Non-Substantive Corrections

Shall Sections 14.05, 14.06, 17.16, 17.17, and 17.18 of the Richland Hills Home Rule Charter be amended by deleting redundant provisions related to the regulation of buildings, building permits, pools, and bonds for city officials; shall Sections 4.01, 8.01, 8.02, 9.04, and 10.01 of the Richland Hills Home Rule Charter be amended to update statutory references to reflect current State law; and shall the Richland Hills Home Rule Charter be amended to make non-substantive grammatical and textual corrections and clarifications throughout the Charter?

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 13, 2023

Subject: Use of Hotel Occupancy Tax Revenue for Construction of Improvements in Municipal Parks

Agenda Item:

Consider Resolution 572-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue for construction of improvements in municipal parks

Background Information:

The City of Richland Hills receives about \$200,000 in hotel occupancy tax revenue annually. These funds are currently used to market the city and its two (2) hotel properties, provides for the salary and benefits of the city's Event and Tourism Coordinator and pays for a portion of the debt for the construction of The Link Event and Recreation Center.

The Texas Tax Code details how hotel occupancy tax revenue can be used by a municipality. Currently, hotel occupancy tax revenue can be used to renovate existing entertainment venues but cannot be used to build new venues and attractions.

The City Council has expressed interest in pursuing legislation that would allow the city to use the municipal hotel occupancy tax revenue it receives to build new entertainment and sports venues that would draw visitors and tourists to Richland Hills and the surrounding area. Approval of this Resolution would document Council's support and desire to proceed with the legislation.

Financial Considerations:

If the Texas Legislature passed legislation allowing the use of Municipal Hotel Occupancy Tax Revenue for construction of improvements and new amenities in municipal parks, the City Council could choose to allocate a portion of the HOT revenue received by the city for the construction of new entertainment and sports venues to attract more tourists and visitors to the city.

Legal Review:

The City Attorney has reviewed the Resolution.

Board/Citizen Input:

N/A

Attachments:

Resolution 572-23

Council Action Requested:

Motion to approve Resolution 572-23 supporting the passage of legislation during the 88th Regular Session of the Texas Legislature to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue for construction of improvements in municipal parks

RESOLUTION NO. 572-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, SUPPORTING THE PASSAGE OF LEGISLATION DURING THE 88TH REGULAR SESSION OF THE TEXAS LEGISLATURE (2023), TO ALLOW FOR THE EXPENDITURE OF MUNICIPAL HOTEL OCCUPANCY TAX REVENUE BY THE CITY FOR CONSTRUCTION OF IMPROVEMENTS IN MUNICIPAL PARKS

WHEREAS, the City of Richland Hills, Texas ("City") has adopted a municipal hotel occupancy tax ordinance in order to raise revenue for the promotion of tourism and the hotel and lodging industry in the City; and

WHEREAS, the City has determined that municipal parks are popular attractions visited year-round by visitors to the City and surrounding area; and

WHEREAS, municipal parks are an ideal location to host large annual events, festivals and sports tournaments that are attended by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, in the City of Richland Hills, hotel properties are located adjacent to a popular municipal park and the City's tourism and hotel industries would benefit from the expenditure of municipal hotel tax revenue on construction of improvements, additional amenities and connectivity to municipal parks as tourists and visitors would frequently visit the parks to see these attractions, and

WHEREAS, the City of Richland Hills desires to build entertainment and sports venues in municipal parks that will increase the quality and number of amenities available for use and enjoyment by tourists and visitors to the City and surrounding area; and

WHEREAS, the City's tourism and hotel industries would benefit from the expenditure of municipal hotel tax revenue on construction of entertainment and sports venues in municipal parks and trails/sidewalks that would connect parks to hotels and other tourist attractions, which will increase the use and enjoyment by tourists and visitors of hotels, parks, tourist attractions and related public facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

SECTION 1.

The City Council adopts the findings and recitals set forth in the preamble of this Resolution.

SECTION 2.

The City Council supports the passage of legislation during the 88th Regular Session of the Texas Legislature (2023), that would allow for the expenditure of municipal hotel occupancy tax revenue by the City of Richland Hills for construction of entertainment and sports venues in municipal parks and trails/sidewalks that would connect these amenities to hotels, tourist attractions and related public facilities.

SECTION 3.

This Resolution shall be effective upon its adoption.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 13, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE EDWARD LOPEZ, MAYOR

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY